

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9102 of 2021

Sidhanta Pradha

.... Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

.... Opp. Party

Ms. S. Mishra,
Additional Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
03.01.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 01.04.2021 in connection with Balliguda P.S. Case No. 57 dated 24.03. 2021 corresponding to S.T. Case No.68 of 2021 of the court of learned Additional District and Sessions Judge, Balliguda for the alleged commission of offence under Sections 498(A)/304(B)/306 of IPC read with Section 4 of the D.P. Act.
4. The prosecution allegation is that the petitioner had married the deceased lady and both were working in the State of Kerla in private companies. It is alleged that the deceased gave Rs.62,000/- to her husband to purchase a motorcycle. But, subsequently because of some dispute between them, when the petitioner threatened to divorce her, a meeting was convened in the village on 05.01.2021, wherein the victim demanded the money paid by her to her husband. The husband

agreed to return the money by 25th of that month by giving an assurance on that day. Subsequently, on 19.03.2021, the deceased was found dead by hanging from a tree.

4. Learned counsel for the petitioner submits that the necessary ingredients to constitute the offence under Section 304-B of IPC are not made out inasmuch as there is no whisper of allegation regarding inflicting of torture in connection with demand of dowry just before her death. It is also submitted that the FIR was lodged belatedly after five days, which suggests a deliberate attempt to blame the petitioner for the death of the deceased, who committed suicide only because of some internal disturbances.

5. Learned Additional Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that delay in lodging the FIR cannot be a ground to claim innocence by the petitioner. He further submitted that even though the FIR is silent as regards the allegation of cruelty relating to demand for dowry, yet other witnesses have spoken about it.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and taking into consideration the postmortem report regarding cause of death as also absence of any allegation in the FIR regarding dowry torture, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

6. The BLAPL is accordingly disposed of.
7. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

B.C. Tudu

