

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9109 of 2021

Hara Mohan Das

....

Petitioner

Mr. M. Chand, Advocate

-versus-

State of Odisha

....

Opp. Party

Ms. S. Mishra,

Additional Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.01.2022

Order No.

2. 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 02.05.2021 in connection with Airport P.S. Case No.134 of 2021 corresponding to C.T. Case No. 86 of 2021 of the court of learned Additional Sessions Judge, Bhubaneswar for the alleged commission of offence under Sections 498-A/306/34 of IPC read with Section 4 of D.P. Act.
4. The prosecution case is that the petitioner who is the father-in-law of the deceased subjected her to physical and mental cruelty in connection with demand for more dowry being associated with his son and wife. The demand was to pay a sum of Rs.1,00,000/- for purchase of an Autorickshaw and Rs.30,000/- towards purchase of an Activa Scooter. They further demanded a sum of Rs.20,000/-. On 01.05.2021, the

deceased committed suicide by pouring kerosene on her body and setting herself ablaze.

5. It is submitted by learned counsel for the petitioner that this is a clear case of suicide by the deceased, but there is no material to show that the petitioner had any role to play in it inasmuch as there is nothing to show that he had committed any act, which led the deceased to commit suicide. It is further submitted that being the father-in-law some allegations have been made only in general terms though no specific overt act has been attributed to the petitioner.

6. Learned Additional Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the FIR itself suggests that the deceased was subjected to cruelty in connection with demand for dowry not only by her husband, but also by the present petitioner on several occasions. Therefore, the suicide committed by her must be deemed to have been abetted by the present petitioner.

7. Having regard to the submissions made, the nature of allegations leveled against the present petitioner, the period of detention already undergone and the fact that the case has already been committed to the court of sessions for trial, I find no justified reason to detain the petitioner in custody any longer. The bail application is therefore allowed. 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, failing which it shall be open to the trial court to pass necessary order to take him to custody.

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

(Sashikanta Mishra)
Judge

B.C. Tudu

