

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9376 of 2021

Papu Samal

....

Petitioner

Mr. Satya Ranjan Mulia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

27.04.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Jagatpur P.S. Case No.229 of 2021, corresponding to G.R. Case No.1379 of 2021, pending in the file of learned J.M.F.C.(R), Cuttack, for commission of alleged offences under Sections 498-A/302/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The prosecution case, in a nutshell, is that ten years back, the Informant had given marriage to his daughter, namely, Hina Samal to the Petitioner. It is alleged that after some months of marriage, the Petitioner and mother-in-law of the deceased started torturing her physically and mentally for more

dowry. It is further alleged that the deceased blessed with one son and daughter. The Informant received information that his daughter was set fire by pouring kerosene by the Petitioner and her mother-in-law and shifted to medical for treatment. The deceased was succumbed to the injuries after eight days of her treatment. So the Informant suspected that the Petitioner and his family members might have killed his daughter for more dowries.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 13.06.2021. It is further submitted that police after investigation submitted charge-sheet against the Petitioner. It is submitted that charge-sheet has been filed under Section 306 I.P.C. Since Petitioner is a local resident, there is no chance of evading the process of law. Accordingly, he urges that the bail application of the present Petitioner may be allowed.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He, however, admits that charge-sheet has been filed under Section 306 of I.P.C. Since deceased was died by pouring kerosene due to mental or physical torture, and Petitioner is the husband, no leniency should be shown to the accused person. He urges that the bail application of the present Petitioner may be rejected.

7. Considering the submissions made as well as the surrounding circumstances and keeping in view the nature and gravity of offence alleged, this Court is inclined to release the

Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as deem fit and proper by the learned trial court.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge



U.K.Sahoo