

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10479 of 2022

***Rabindra Kumar Biswal @
Babul***

Petitioner

Mr. D. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
13.12.2022**

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with C.T. Case No.235 of 2022, pending before the Court of the learned SDJM, Narsinghpur, arising out of Kanpur P.S. Case No.111 of 2022, for alleged commission of offences under Sections 498-A/304(B) of IPC read with Section 4 of D.P. Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Athagarh, by order dated 22.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 13.07.2022 and since charge-sheet has been filed on 09.09.2022, further continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the petitioner submits that though FIR was registered inter alia under Section 302 read with Section 304-B of IPC and other allied Sections after investigation charge-sheet has been filed under Section 304-B of IPC.

6. It is stated that the allegation so far as demand of dowry is concerned, it is omnibus in nature.

7. Learned counsel for the petitioner relies on the statement of one independent witness Purna Chandra Chanda co-villager, who has stated that on the fateful day, the petitioner made all attempt to save the life of the deceased.

8. Learned counsel for the State opposes the prayer for bail inter alia on the ground that there are materials on record, which point to the consistent demand for dowry and in this connection relies on the statement of Ananta Charan Pradhan the father of the deceased.

9. On a conspectus materials on record and on consideration of the post mortem report and in the absence of any external injury consistent with the statement of the father of the victim regarding physical abuse, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha