

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9513 of 2021

Biju @ Bijaya Bhoi

....
Petitioner
Mr.H.B. Sutar, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr.A.N. Pradhan, Addl. Standing Counsel

CORAM:
JUSTICE R.K. PATTANAİK

Order No.

ORDER
12.01.2022

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Kumbharpada P.S. Case No.175 of 2021 corresponding to G.R. Case No.1837 of 2021 pending in the court of learned S.D.J.M., Puri on the grounds stated therein.
4. Perused the F.I.R. as at Annexure-1 and the impugned order dated 08.10.2021 i.e. Annexure-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the case was initially registered under Section 302 IPC but subsequently, the petitioner has been charge sheeted under Section 306 and other allied offences of IPC, inasmuch as, the victim committed suicide by hanging. It is further submitted that the petitioner has been in

judicial custody since the date of his arrest and as the investigation stands closed, the petitioner should be enlarged on bail with any conditions, which is objected to by the learned counsel for the State on the ground that there is material to show that there was demand of dowry, where after, the victim committed suicide.

7. The death of the victim by suicide is not disputed by the State as the charge sheet stands filed under Section 306 IPC. The allegation of dowry demand is made by the informant as revealed from the F.I.R. The learned counsel for the State read out the statement of a witness, namely, Susama Bhoi, who is a neighbour to show that the victim and the accused frequently quarreled and she was tortured on account of dowry demand. However, there is no specific demand revealed from the materials on record. It is claimed by the learned counsel for the petitioner that on account of not so sound financial condition, the accused used to have quarrels with the victim. The petitioner and the deceased are blessed with a child aged about three years as is informed to this Court. The charge sheet has been filed on 1.10.2021 and the petitioner is in judicial custody since 4.6.2021.

8. Having regard to the above facts, submissions made and the period of detention which is for about six months and considering the nature of allegations without any specific demand of dowry being revealed, the Court is inclined to release the petitioner on bail with conditions.

9. Accordingly, it is directed that the petitioner be released 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 below, who shall impose such

other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

10. The BLAPL is accordingly disposed of.

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

