

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9533 of 2021

Manoranjan Rout

.... ***Petitioner***
Mr.A.K.Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. P.C.Das, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
11.05.2022

Order No.

03

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Mahakalapada P.S.Case No.90 of 2021 corresponding to G.R.Case No.1349 of 2021 pending in the Court of the learned S.D.J.M, Kendrapara for alleged commission of offence under Sections 498-A, 302,304-B/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.
4. The Prosecution case, in brief, is that the informant lodged a written report before the Mahakalpada Police Station alleging therein that his daughter Laxmipriya Patra had got married the present petitioner seven years back as per Hindu tradition. After

marriage she blessed with one female and male child. The husband and in-laws members are always tortured her both physically and mentally and demanding more dowry. On 30.05.2021 the present petitioner and in-laws members murdered his daughter and his daughter was shifted to D.H.H., Kendrapara for treatment but she is died during the treatment

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 01.06.2021 and in the meantime investigation has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that the allegation of murder of the deceased is totally false and the Petitioner is innocent. The present petitioner, who is husband of the deceased informed the informant, who is father of the deceased regarding the death of the deceased over phone. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Kendrapara district, there is no chance of his absconding or fleeing from receiving justice. He further undertakes to appear before the trial court on each date of posting of the case.

7. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that the offence alleged against the Petitioner is heinous in nature and no leniency should be shown to the Petitioner while granting bail. With the aforesaid submissions, learned Additional Standing Counsel urges rejection of the bail application of the Petitioner.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the

aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
 - ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
 - iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may impose any other condition(s) as deem fit and proper.
9. BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge