

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9564 of 2021

Dillip Mohapatra

....

**Petitioner**

Mr.S.K.Sarangi, Advocate

-Versus-

State of Odisha

....

**Opposite Party**

Mr. S.N.Das, ASC

**CORAM:  
JUSTICE R.K.PATTANAIK**

Order No.

**ORDER  
10.01.2022**

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. for grant of bail to the petitioner in connection with Shree Lingaraj P.S. Case No. 263 of 2021 corresponding to C.T. Case No. 5182 of 2021 registered under Section(s) 498-A/323/304-B/302/34 IPC pending in the Court of learned S.D.J.M., Bhubaneswar on the grounds stated therein.
4. Perused the F.I.R. and the impugned order dated 27.10.2021 under Annexure-2.
5. Gone through the contents of the F.I.R. which has been lodged by the informant, who is the father of the victim.
6. Learned counsel for the petitioner submits that the death of the of the deceased took place nearly six months after her marriage with the present accused and her death to be suicidal in nature by hanging and in so far as the in-laws are concerned, both father and mother in-laws have been granted

interim protection by this Court and that apart, there has been no allegation of any kind of dowry torture but was not being allowed to go to her parental house and was prevented from having conversation with her parents which ultimately resulted in her suicidal death and considering the above facts and period of detention vis-à-vis the accused, he should be enlarged on bail with any conditions which is objected to by the learned counsel for the State on the ground that the deceased was subjected to mental torture which has also been reflected in the impugned order at Annexure-2 and that apart, a case under Section 304-B IPC is prima facie made out.

7. Presently, investigation is in progress. As submitted by the learned counsel for the petitioner, his parents are under interim protection by the orders of this Court. On perusal of the F.I.R., the allegation is made against all the accused persons including the petitioner, who happens to be the husband of the victim. In the F.I.R., the informant alleged that his daughter was subjected to the mental harassment. The fact of suicidal death of the deceased as claimed by the learned counsel for the petitioner is not disputed by the learned counsel for the State. The Court perused the statement of the mother of the deceased which is at Annexure-3. The fact of mental torture is alleged against the petitioner and other accused persons. A copy of the post mortem report is made available to the Court under Annexure-4. The death of the deceased is stated to be due to combined effect of venous congestion and Asphyxia as a result of constriction and compression of neck.

8. Having regard to the nature of allegations as revealed from the F.I.R., submissions made by the respective counsels appearing for the parties and the fact that the deceased apparently committed suicidal by hanging a claim which stands

unchallenged and having regard to the fact that allegations to be omnibus in nature and recording the submission of the learned counsel for the petitioner that other accused persons, who are parents-in-laws of the victim are on interim bail, the Court is of the considered view that the accused should be allowed to go on bail with conditions and accordingly, it is ordered.

9. In the result, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.40,000/- (rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter with condition that he shall not influence or induce any of the material witnesses and shall not tamper with the evidence, in any manner whatsoever, while on bail; and shall cooperate the I.O. for the purpose of investigation and shall attend the P.S. for that purpose once in a fortnight preferably on Sunday in between 10 A.M. to 1.00 P.M. without fail.

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 25<sup>th</sup> March, 2020 as modified by Court's Notice No. 4798, dated 15<sup>th</sup> April, 2021.

(R.K.Pattanaik)  
Judge