

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9579 of 2021

Laxmidhara Mohanta & another

....

Petitioners

Mr.Abhishek Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Addl. Standing Counsel

CORAM:

JUSTICE R.K. PATTANAİK

ORDER

10.01.2022

Order No.

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioners for bail in connection with C.T. Case No.566 of 2021 arising out of Baisinga P.S. Case No.216 of 2021 pending in the court of learned J.M.F.C., Betnoti on the grounds stated therein.
4. Perused the F.I.R. and a copy of the post-mortem report enclosed to the bail application besides the impugned order dated 03.09.2021 as at Annexure-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that petitioner No.1 is the husband and petitioner No.2 happens to be the father-in-law of the deceased, who apparently committed suicide by

hanging, the fact, which is established from post-mortem report and as far as, the allegations in the F.I.R. are concerned, no specific conduct stands attributed against the accused persons and having regard to the fact that in the meantime, charge sheet has been filed under Section 306 IPC and other allied offences, both 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 suggest that the deceased was subjected to harassment as demand of Rs.50,000/- was made by her in-laws which has been stated by victim's mother revealed from her statement recorded under Section 161 Cr.P.C.

7. Initially, a case under Section 302 IPC was registered as the informant alleged killing of the victim by her in-laws and petitioner No.1 but subsequently, turned to a case under Section 306 IPC. The death of the victim appears to be by hanging. From the post-mortem report, the cause of death of the deceased is stated to be on account of Asphyxia and various congestions as a result of ante-mortem hanging. The specific demand of Rs.50,000/-, which is claimed by the learned counsel for the State, as the mother of the victim stated, has not been specifically indicated in the F.I.R. No doubt, allegation of ill-treatment is revealed from the F.I.R. It appears that the victim and petitioner No.1 had a love marriage and subsequently resided outside and had recently returned to the village and both were staying together in the latter's house and during that time, the unfortunate incident happened. The allegations, as it appear from the F.I.R., to be omnibus in nature. There is no allegation of dowry related torture meted out the victim during her stay in in-laws house.

8. Having regard to the above facts and closure of investigation, filing of charge sheet under Section 306 IPC for that

the victim committed suicide and absence of allegation of dowry and torture and also the period of detention of both the accused persons, which is since 17.7.2021, the Court is inclined to release the petitioners on bail with conditions.

9. Accordingly, it is directed that the petitioners be released on bail on furnishing bail bonds of Rs.40,000/- (rupees forty thousand) each with one solvent surety for the like amount each 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 as modified by Court's Notice No.4798, dated 15th April, 2021.

(R.K. Pattanaik)
Judge