

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9829 of 2021

Bhanu Mandal

....

Petitioner

Mr. J.K. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Miss. S. Mishra, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

19.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioner being in custody in connection with Kasia Marine P.S. Case No.83 of 2021 corresponding to G.R. Case No.507 of 2021 on the file of learned J.M.F.C., Basudebpur running for commission of offence under section 498-A/304(B)/302/34 IPC read with section 4 of the D.P. Act, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the petitioner submits that the Petitioner being the Father-in-Law of the deceased has been implicated in the case with the general allegation that he was demanding dowry and torturing the deceased for non-fulfillment of the same since the deceased has committed suicide within seven years of marriage. He further submits that the prosecution case that the Petitioner had killed the deceased

stands negated from the postmortem report. He also submits that the allegations against the Petitioner with regard to demand and torture upon the deceased are all false and omnibus, without citing any particular instance, assigning any specific role to these Petitioner therein. He submits that the investigation of the case is complete and there remains no further possibility of unearthing of any other important material/s. With all these above, as there remains no scope on the part of Petitioner to flee from justice and tamper the evidence, as according to him, further detention of the Petitioner in custody till conclusion of the trial would serve no useful purpose. He therefore, urges for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move. According to him, on the face of the allegations as to exertion of cruelty by this petitioner from the time of marriage; the death having taken place within a period of seven years of marriage that to not under normal circumstance; with the available presumption available under section 113A/ 113B of the Evidence Act, the culpability of the Petitioner in view of his relationship stands.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody and on going through the order passed by the learned Addl. Sessions Judge;

in the absence of any such impediment; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further condition that he will not threaten or terrorize the prosecution witnesses in any manner;

6. The BLAPL is accordingly disposed of.

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 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(D. Dash),
Judge.

Basu