

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9883 of 2021

Jagannath Mandal

....

Petitioner

Mr.J.K. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, 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 PS 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 of the IPC read with section 4 of 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 husband of the deceased has been placed for trial for offence under section 498-A/304-B/302/34 of the IPC read with section 4 of D.P. Act. It is his submission that simply on the basis of the false and omnibus allegations that this Petitioner was demanding dowry, torturing and ill-treating

the deceased, he has been implicated in the case and is in custody. It is his submission that as per the post mortem report, the deceased has committed suicide by hanging herself and the doctor conducting the autopsy has not found any external injury over the dead body of the deceased suggestive of the fact that there was any such physical torture before the incident. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and the question of tampering the evidence in the facts and circumstances of the case does not arise; he urges for grant of bail to the Petitioner, as according to him, further detention of the Petitioner till conclusion of the trial would serve no such useful purpose.

4. Learned counsel for the State opposes the move. According to him, the deceased having died within a period of seven of marriage and that to not under normal circumstance; on the face of the allegation of demand and torture, with the available presumption under section 113-A/113-B of the Evidence Act, the culpability of the Petitioner 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 Additional 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

with further conditions that he shall appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial; and shall 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