

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 11250 of 2022**

**1. Kanaka Khilar**

**2. Parsu Khilar**

**3. Suresh Khilar**

**.... Petitioners**

*Mr.P.C. Jena, Advocate*

*-versus-*

**State of Odisha**

**.... Opp.Party**

*Mr.Arupananda Das*

*Addl. Government Advocate*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
19.12.2022**

**Order No.**

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Deogarh P.S. Case No.355 of 2022 corresponding to C.T. Case No.551 of 2022 pending in the Court of learned S.D.J.M., Deogarh for offences punishable under sections 498-A, 294, 506, 304B/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The petitioners moved an application for bail before the Court of learned Sessions Judge, Deogarh, which was

rejected on 21.07.2022.

Learned counsel for the petitioners submitted that petitioner no.1 is the mother in-law, petitioner no.2 is the father in-law and petitioner no.3 is the younger brother in-law of the deceased Binati Khillar and her marriage was solemnized with the son of petitioner nos.1 and 2 in the year 2018 and she committed suicide by consuming poison on 27.04.2022 and in the meantime after completion of investigation, charge sheet has been submitted under sections 498-A, 294, 506, 304B/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act. It is further submitted that the petitioners are in judicial custody since 29.04.2022 and there are no specific overt-act alleged against the petitioners and in view of the nature of accusation, the bail application of the petitioners may be favourably considered.

Learned counsel for the State place the charge sheet, which is annexed to the bail application so also the post mortem report, which indicates that no external injury has been sustained by the victim.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the circumstances under which the death of the deceased took place, the post mortem report findings and taking into account the period of detention of the petitioners in judicial custody, I am inclined to release the petitioners on bail.

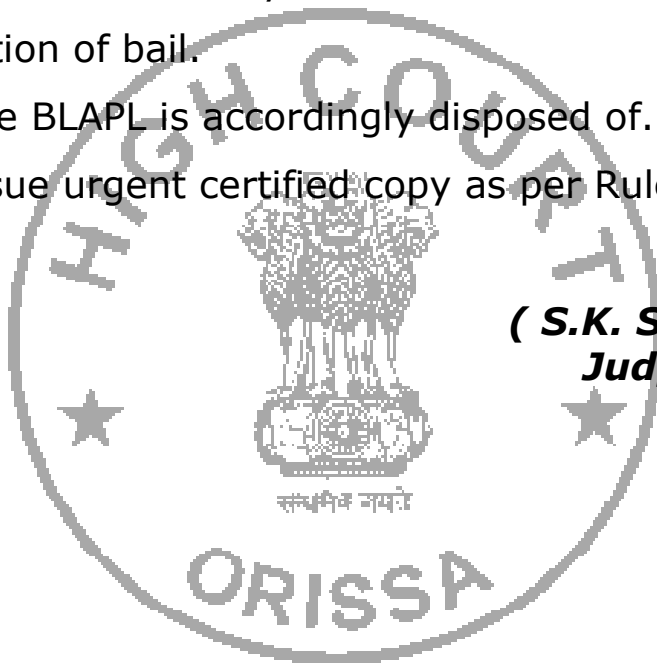
Let the petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that the petitioners shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

**( S.K. Sahoo )**  
**Judge**



PKSahoo