

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11258 of 2022

Dipu @ Ranjan Kumar Mansingh ***Petitioner***

Mr.S.K. Bhanjadeo, 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 petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Bolagarh P.S. Case No.132 of 2022 corresponding to G.R. Case No. 825 of 2022 pending in the file of learned S.D.J.M., Khurda for alleged commission of offences under sections 498-A, 304-B, 306, 406/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The prayer for bail of the petitioner was rejected by the learned 1st Addl. Sessions Judge, Khurda vide order dated 22.10.2022.

Learned counsel for the petitioner submitted that the petitioner, who is the husband of the deceased Barsarani Nayak, is in judicial custody since 27.05.2022 and the deceased committed suicide and the cause of death as per the post mortem report is the combined effect of asphyxia and Venus congestion arising out of ante-mortem hanging. Learned counsel further submitted that charge sheet has already been submitted for commission of offences under sections 498-A, 304-B, 306, 406/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act and the accusations leveled against the petitioner are omnibus in nature and therefore, the bail application may be favourably considered. Learned counsel for the petitioner has produced the copy of the charge sheet, which is taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the petitioner, the nature of accusation against the petitioner, the post mortem report findings and other materials available on record and the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties

each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court below may deem just and proper including the conditions that the petitioner shall not indulged in any criminal activities and 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.



PKSahoo