

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10361 of 2021

Lelin Behera

.... ***Petitioner***
M/s. U.C.Beura, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

13.09.2022

Order No.

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Tangi P.S. Case No.158 of 2021 corresponding to G.R. Case No.152 of 2021 pending in the Court of learned J.M.F.C., Chilika for commission of offence punishable U/Ss. 498-A/304(B)/302/34 of the I.P.C. read with Section 4 of D.P. Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner and the deceased had married to each other out of love affairs and the marriage was solemnized completely without any dowry demand but later on the deceased committed suicide for reasons beyond the knowledge and control of the petitioner and the petitioner being no way responsible for the death of the deceased and co-accused persons having already been released on bail, the petitioner may kindly be released on bail on any terms and conditions.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner submits that the statement of witnesses sufficiently reflects about torture meted to the deceased resulting her unnatural death in her matrimonial home and thereby offence U/S. 304(B) is squarely attracted against the petitioner and the petitioner being the husband of the deceased should not be enlarged on bail.

5. Considering the submissions advanced by the parties and taking into consideration the charge sheet having filed for commission of offences U/Ss. 498-A/304(B)/34 of I.P.C. read with Section 4 of D.P. Act and the post mortem report of the deceased disclosing about cause of death to be on account of organ phosphorous compound and regard being had to the pre-trial detention of the petitioner since 27.05.2021 and release of co-accused persons on bail and keeping in view the nature and circumstance of the case, this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial in the case and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge