

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10404 OF 2021

Nepal Naik

.... ***Petitioner***
Mr. B.B. Routray, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Karunakar Das, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
21.01.2022

Order No.

01. 1. This matter is taken by video conferencing mode.
2. The Petitioner being husband of the deceased who is in custody in connection with Sohela P.S. Case No.121 of 2021 corresponding to C.T. Case No.64 of 2021 on the file of learned Additional Sessions Judge, Padampur running for alleged commission of offence under section 498-A/304-B/306/294/406 of the 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 wife of the Petitioner having committed suicide within a period of seven years of marriage; on the general allegations that the Petitioner was demanding dowry and torturing her for non-fulfillment of the same; he has been implicated on the case. He further submits that the allegations with regard to demand and torture are omnibus in nature without citing any such specific incident and assigning

specific role to the Petitioner therein. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence; he urges for grant of bail to the Petitioner as according to him, further detention of the Petitioner in custody till conclusion of the trial would serve no useful purpose.

4. Learned counsel for the State submits that since the wife of the Petitioner has died within a period of seven years of marriage by taking of poison and there was demand of dowry and torture upon her, with the available presumption under section 113A/113B 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 Additional learned 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.

Violation of any of the above condition(s) shall entail cancellation of bail.

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.***

Narayan

