

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10466 OF 2021

Sapan Barik & Another

.... ***Petitioners***
Mr. B.R. Behera, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
21.01.2022

Order No.

03. 1. This matter is taken up by video conferencing mode.
2. The Petitioners being the parents-in-laws of the deceased are in custody in connection with Balasore Sadar P.S. Case No.205 of 2021 corresponding to C.T. Case No.526 of 2021 on the file of learned J.M.F.C.(R), Balasore running for alleged commission of offence under Section 498-A/302/34 of the IPC, have filed this application under Section 439 of the Cr.P.C. for their release on bail.
3. Learned counsel for the Petitioners submits that the daughter-in-law of the Petitioners having committed suicide within a period of seven years of marriage with the general allegations that the Petitioners, their son and other family members were demanding dowry and torturing her for non-fulfillment of the same; they have been implicated in 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 Petitioners therein. In view of all these above, when there remains no scope on the part of the Petitioners to flee from justice and tamper the evidence; he urges for grant of bail to the Petitioners as according to him, further detention of the Petitioners in custody till conclusion of the trial would serve no useful purpose.

4. Learned counsel for the State submits that since the daughter-in-law of the Petitioners 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 Petitioners with other surrounding circumstances including the period of detention of the Petitioners in custody and on going through the order passed by the learned 3rd Addl. Sessions Judge; in the absence of any such impediment; it is directed that the Petitioners 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:-

they will not threaten or terrorize the
prosecution witnesses in any manner;

6. The BLAPL is accordingly disposed of.

7. 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

