

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10505 of 2021

Basudev Sahu

.... ***Petitioner***
Mr. Jagabandhu Sahu, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, ASC

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
06.07.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Gaisilat P.S. Case No.28 of 2021, corresponding to G.R. Case No.154 of 2021 in C.T. Case No.40 of 2021, pending in the file of learned Additional Sessions Judge, Padampur, for commission of alleged offences under Section 498-A/304-B/306//34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 20.02.2021. It is further submitted that police after completion of investigation has filed charge-sheet against the Petitioner. It is submitted that there is omnibus allegation against the family members regarding dowry torture.

It is further submitted that after completion of investigation, police filed charge-sheet under Section 306 of I.P.C. Further relying upon the medical evidence, the present case is found to have a suicidal death. It is also submitted by Petitioner that some of the co-accused persons have already released on bail by this Court, i.e. Mangalu Sahu & others in BLAPL No.4841 of 2021 on 22.09.2021. It is further submitted by learned counsel for the Petitioner that since Petitioner belongs to the locality, there is no scope on the part of the Petitioner to flee away from trial or tampering the evidence and further detention of the Petitioner in custody will not serve any purpose.

5. Learned counsel for the State on the other hand opposes the bail application. It is stated by learned counsel for the State that on the basis of materials available on record, the allegation with regard to dowry torture is made out against all the family members including the present Petitioner. It is further submitted that since the death is taken place within seven months after the marriage of the Petitioner with the deceased, the Petitioner should not be released on bail on any circumstances.

6. Considering the facts and circumstances of the present case and upon perusal of the case diary and materials placed on record and further taking into consideration the co-accused persons have released on bail and that the allegation made in the FIR is omnibus in nature, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of

Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;
- ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
- v) He shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) He shall not leave the jurisdiction of the court without prior permission of the trial court;

7. Violation of any of the terms and conditions shall entail cancellation of bail.

8. With the aforesaid observation the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge