

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10067 of 2021

Santosh Pradhan

.... ***Petitioner***
M/s. J.Sahoo, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr.P.K.Patnaik, A.G.A.
Mr.V.Jena, Advocate for informant

CORAM:

JUSTICE G. SATAPATHY

ORDER

27.10.2022

Order No.

05. 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 Kodala P.S. Case No.315 of 2021 corresponding to G.R. Case No.874 of 2021 pending in the Court of learned J.M.F.C., Khallikote for commission of offence punishable U/Ss. 498-A/304(B)/306/34 of the I.P.C. read with Section 4 of D.P. Act. on the allegation of committing dowry death and abetting the death of the deceased by subjecting her to cruelty and torture prior to her death for non-fulfillment of demand of dowry.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that co-accused mother-in-law having stood on similar allegation on same facts has already been granted anticipatory bail by this Court in ABLAPL No. 8493 of 2021 and the present petitioner being the husband of the deceased is languishing inside the jail custody since 02.07.2021 without any fault. It is further submitted that in the meanwhile after completion of investigation, charge sheet has been submitted to the concerned Court and the learned J.M.F.C., Khallikote has already taken cognizance of offences and the post mortem report discloses no external injury on the person of the deceased although the opinion

regarding cause of death is kept pending examination of viscera but the truth lies in the statement of one Suchitra Pradhan who has stated that the deceased has committed suicide by consuming poison. Learned counsel for the petitioner by aforesaid submissions prays to enlarge the petitioner on bail.

4. In reply, learned counsel for the State opposes the bail application of the petitioner vehemently and he inter alia contends that the petitioner being the husband cannot be equated with co-accused mother-in-law released on bail and the petitioner having prima facie found to have committed the offences should not be enlarged on bail.

5. Mr. Vivekananta Jena, learned counsel for the informant opposes the bail application in vehemence by submitting inter alia that the deceased died within one year of her marriage and the petitioner being the husband was instrumental in subjecting the deceased to cruelty and ultimately committing dowry death of the deceased and thereby, the petitioner is not entitled to be released on bail. It is accordingly prayed to reject the bail application of the petitioner.

6. Considering the rival submissions advanced on behalf of the parties and taking into consideration about the pre-trial detention of the petitioner since last one year and the fact that no external injury was reported in the post mortem report of the deceased and there being some omnibus allegations appearing against the petitioner in the F.I.R. and keeping in view the submission of charge sheet in this case and no material being placed on record to indicate that the petitioner would abscond or tamper with the witnesses and further taking into consideration the release of co-accused mother-in-law on anticipatory bail, this Court considers the bail application of the petitioner affirmatively.

7. 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 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 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.

8. Accordingly, the BLAPL stands disposed of.
9. Urgent certified copy of the order be granted on proper application.

Kishore

