

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12370 of 2022

Gangadhar Jena

.... ***Petitioner***
Mr. A.R. Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
21.12.2022

Order No.

01. 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 Soro P.S. Case No.491 of 2022 corresponding to C.T. Case No. 1051 of 2022 pending in the file of learned J.M.F.C., Soro for commission of offences punishable U/Ss. 498-A/304(B)/302/34 IPC r/w Section-4 of D.P.Act, on the allegation of committing murder and dowry death of the deceased by subjecting her to torture and cruelty prior to her death for or in connection with demand of dowry.
3. In the course of hearing of the bail application, Mr. A.R. Panda, learned counsel for the Petitioner submits that there is only omnibus allegation appearing against the Petitioner who has voluntarily surrendered in the Court, but the statements of witnesses never disclose commission of any offence against the Petitioner. It is further submitted that the cause of death as opined by the Doctor in Post Mortem Report is ante mortem in nature and thereby, no offence U/S. 302 of IPC is attracted against the Petitioner at any point of time and the commission of suicide by the Petitioner is on account of some reason not owing to the Petitioner, but for the mother-in-law disallowing her to go to festival

(Jatra) and the Petitioner being not involved in this case may kindly be released on bail.

4. On the other hand, Mr. P.K. Pattnaik, learned A.G.A. vehemently opposes the bail application of the Petitioner.

5. Considering the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioner as well as the gravity of offences and keeping in view the other circumstances on record in entirety together with the opinion of the Doctor stated in Post Mortem report and regard being had to the fact of submission of preliminary charge-sheet in this case and released of co-accused on bail, this Court admits the Petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) 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 attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge