

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11478 of 2021

Badri Prasad Das

....

Petitioner

Mr. Santanu Kumar Sarangi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A.K. Praharaj, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

29.06.2022

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 Balipatna P.S. Case No.300 of 2021, corresponding to G.R. Case No.1023 of 2021, pending in the file of learned J.M.F.C.(O), Bhubaneswar, for commission of alleged offences under Sections 323/498-A/304-B/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The brief facts of the case, in a nutshell, is that one Ashok Kumar Pati, the brother of the deceased reported in the police station that his sister had married to the petitioner ten months back to the date of filing of FIR. It is further alleged that the petitioner has kept illicit relationship with his sister-in-law (bhauja) for which, the deceased as mentally frustrated and on 10.11.2021 evening the

informant came to know that his sister has been died. It is further stated in the FIR that the family members of the petitioner have been mentally tortured. It is further alleged that on the date of occurrence, the husband of the deceased and his sister in law were absent from his house which he has gather information from his daughter and asked the informant to proceed to search them in Bhubaneswar area. The informant has gathered that on 11.11.2021 morning her sister died due to unbearable tolerance of torture mentally.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 11.11.2021. It is further submitted that police after completion of investigation has filed charge-sheet against the Petitioner. The further submission is that Petitioner is an innocent person and he has been falsely implicated in the present case and there is a suspicion on the Petitioner, as deceased has committed suicide. It is also stated that Petitioner is a law abiding citizen and resides in the district of Khurda, therefore, there is no chance to evade the trial of the case. Moreover, he has no criminal antecedents

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that serious allegation has been made against the Petitioner. Therefore, no leniency should be shown to the Petitioner. Accordingly, he prays for rejection of his bail application.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the

Petitioners on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as would be deemed fit and proper by the trial court.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.



U.K.Sahoo