

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.11501 OF 2021

Ajaya Paraseth

.... ***Petitioner***

Mr. S. Mahunta, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.K. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
31.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioner being in custody in connection with Belghar P.S. Case No.32 of 2021 corresponding to C.T. Case No.90 of 2021 on the file of learned J.M.F.C., Tumudibandha running for commission of offence under section 498-A/304(B)/306/34 of the IPC read with section 4 of the D.P. Act, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being the brother-in-law of the deceased having been implicated in the case is in custody since 01.11.2021 as the deceased committed suicide shortly after her marriage with Rajeswar, who was in love with her. He submits that the allegations as to demand of dowry and torture upon the deceased as against this Petitioner are all false and omnibus without citing any particular incident assailing specific role to this Petitioner

therein. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence, he urges for his release on bail; as according to him, his further detention of the Petitioner in custody till conclusion of the trial would serve no useful purpose.

4. Learned counsel for the State opposes the move. According to him, since shortly after the marriage, the deceased has died not under normal circumstances; on the face of the allegations as to demand of dowry and torture upon the deceased for non-fulfillment of the same, with the available presumption available 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 Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody and in the absence of any such impediment; it is directed that the Petitioner 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 he 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

