

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11646 of 2021

Jitendra Pradhan

.... ***Petitioner***
Mr. S. Dwibedi, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
14.09.2022

Order No.

- 03.
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 C.T. Case No. 178 of 2021 arising out of Tikabali P.S. Case No.38 of 2021 corresponding to S.T. Case No. 106 of 2021 pending in the Court of learned Additional Sessions Judge, Balliguda for commission of offences punishable under Section 498-A/302/201/34 of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that there is admittedly no material on record to substantiate the allegation of committing dowry death and torturing the deceased. It is also submitted for the petitioner that even if the materials on record are taken to be true on the face of it, still no offence under Section 302 of IPC is made out against the petitioner since neither there is any motive on the part of the petitioner for committing the crime nor is there any use of weapon of offence to commit murder of the deceased. It is further submitted for the petitioner that the post mortem report of the deceased discloses three

to four bruises on the chest and one injury arising out of ligature were found on the person of the deceased which in the circumstance does not attribute to the motive of the petitioner and in any case, these injuries were never attributable to the petitioner. Learned counsel for the petitioner under these aforesaid submissions prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State, however, by placing the post mortem report submits that the deceased had suffered homicidal death and the petitioner being the husband has been found from materials on record to have prim facie committed murder of the deceased and the petitioner thereby is not entitled to be released on bail.

5. Considering the nature and gravity of allegations levelled against the petitioner and taking into consideration the nature, manner and the circumstance of alleged commission of crime and regard being had to the pre trial detention of the petitioner since 20.06.2021 and keeping in view the nature of injury sustained by the deceased as per post mortem report and taking into consideration other circumstance of the case and the rival submissions advanced on behalf of the parties, this Court considers the bail application of the petitioner favourably.

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/- 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 trial without fail unless his attendance is dispensed with by the learned trial Court and that he shall not leave the jurisdiction of the trial Court without prior permission of the learned trial Court till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

