IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6738 of 2026
CNR No. ODHC010479862026

Subesh @ Seshadeba Sahani @ Shesadeba Sahani ..... ***Petitioner***

Represented by Adv. - Amulya Ratna Panda

-versus-

State Of Odisha ..... ***Opposite Party***

Represented by Adv. – U.C. Jena, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
26.11.2026

Order No.

03. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S has been filed by the Petitioner for regular bail in connection with C.T. Case No.422 of 2026, arising out of Phulbani Sadar P.S. Case No.105 of 2026, pending in the Court of learned S.D.J.M., Phulbani for alleged commission of offence punishable under Sections 85, 108, 3(5) of the BNS.

4. It is stated by the learned counsel for the Petitioner that the Petitioner is in custody since 23.05.2026. He further contended that in the meantime investigation has been concluded and the final charge sheet has been filed on 27.02.2026 for alleged commission

of offence punishable under Sections 85, 108 of BNS against the present Petitioner and other co-accused persons.

5. The prosecution story, in short, is that on 22.05.2026 the informant made a written report before the Inspector-in-Charge of Phulbani Sadar Police Station and alleged that his elder daughter having fallen in love with the present Petitioner, got married in a temple and is staying in the house of the present petitioner since the year of 2024 peacefully. Subsequently, a few months after the marriage, the present Petitioner developed relation with another girl for which he physically and mentally tortured his wife, i.e., the informant's daughter/deceased. As per the prosecution allegation, the family members of the Petitioner have also meted out torture to the informant's daughter owing to dowry demands. The record further reveals that the Petitioner celebrated his birthday on 21.05.2026, and it was on the next day, in the morning, that the informant received a telephonic information regarding death of his daughter.

6. Referring to the allegation made in the FIR as well as the charge sheet, learned counsel for the Petitioner contended that the alleged occurrence took place on 21.05.2026, i.e., on the eve of the birthday celebration of the Petitioner. Learned counsel further submitted that the deceased received information regarding her husband's friendship with another girl, leading to heated altercation between the Petitioner and the deceased over phone. It further appears that despite the victim requesting the Petitioner to return home, the Petitioner did not respond and did not return home on that date. While this was the position, on 22.05.2026 at about 5:30 AM, the victim committed suicide by hanging herself with the help

of a *chuni* in the bedroom of her elder brother-in-law. The charge sheet further reveals that when the mother-in-law discovered of her, she tried to save her life immediately, with the help of the father-in-law, by opening the ligature knot. At the relevant point of time, the victim was alive and she was shifted to the DHH, Phulbani for her treatment. However, the victim died while she was being shifted to the hospital.

7. Learned counsel for the Petitioner further contended that there is no allegation of any dowry-related torture against the Petitioner. He further contended that on the basis of the incident that had taken place on 21.05.2026, the victim, who was a headstrong lady, picked up a quarrel with the Petitioner on the basis of a suspicion. Eventually, due to the overwhelming tension between the two, she committed suicide. It was also submitted that the Petitioner was not present at the home when the victim committed suicide. On such ground, learned counsel for the Petitioner contended that taking into consideration the fact that the Petitioner has been languishing in custody since last six months, that the charge sheet has now been filed and there is no possibility of trial being commenced in the near future, the Petitioner be enlarged on bail on any stringent terms and conditions deemed fit by this Court.

8. Learned counsel for the State, on the other hand, objected to the release of Petitioner on bail on the ground of gravity and seriousness of allegation. He further submitted that a charge sheet had been filed in the meantime after conclusion of the investigation. The charge sheet clearly indicates that the Petitioner is responsible for the demise of the deceased by suicide. Learned

counsel for the State further contended that in the event the Petitioner is released on bail, there is every likelihood that he might gain-over or influence the prosecution witnesses, or tamper with the prosecution evidence. On such ground, learned counsel for the State objected to the release of Petitioner on bail.

9. Having regard to the submissions made by learned counsels appearing for both sides, on a careful examination of the nature and gravity of the allegation as well as the role of the Petitioner in the alleged crime, further considering the fact that the investigation reveals that the death of the deceased is suicidal in nature and, upon a careful consideration the fact that the Petitioner has been languishing in custody for last six months and in the meantime charge sheet has been filed, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

10. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter.

11. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

12. The BLAPL is, accordingly, disposed of.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 26-Nov-2026 18:37:26