
(2024) 02 OHC CK 0029
In the Orissa High Court
Case No : Bail Application No. 8094 Of 2023
Jagabandhu Swain Vs State Of Odisha ?

Date of Decision : 06-02-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 304B, 306, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2024) 02 OHC CK 0029

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : D. Das, P.K. Mohanty

Final Decision : Disposed Of

Judgement

G. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.439 of Cr.P.C. by the petitioner for grant of bail arising out of Olatpur P.S. Case No.4 of 2023 corresponding to G.R. Case No.30 of 2023 pending in the Court of learned J.M.F.C.(III), Cuttack being charge sheeted for commission of offence punishable under Sections 498-A/304-B/306/34 of the IPC r/w Section 4 of the D.P. Act, on the allegation of committing dowry death and abetting commission of suicide of the deceased by subjecting her to torture and cruelty prior to her death for demand of dowry.
3. Mr. D. Das, learned Senior counsel for the petitioner by filing the photocopy of certified copy of deposition of the informant (PW1) which is taken on record submits that there is absolutely no material to infer any prima facie case against the petitioner for any offence and, therefore, the detention of the petitioner in custody is unnecessary. Mr.Das accordingly, prays to grant bail to the petitioner.
4. On the other hand, Mr. P.K. Mohanty, learned ASC, however, strongly opposes the bail application of the petitioner.

5. After having considered the rival submissions and taking into consideration the nature and gravity of offence as alleged against the petitioner, so also the accusations sought to be brought against the petitioner and on going through the materials placed on record including the evidence of the informant examined as PW1 and taking into account the pre-trial detention of the petitioner in custody, this Court admits the petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only with one solvent surety 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 by it with following conditions:-

(i) the petitioner shall not commit any offence while on bail,

(ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.229-A of IPC in accordance with law,

(iii) the petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case by giving his present address of stay and

(iv) the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on 2nd Sunday of each month in between 10 A.M. to 12 Noon for six(06) months from the actual date of his release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

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. In the wake of aforesaid, the subsequent involvement of the petitioner in future for grave/similar type of offence on prima facie accusations may be treated as a ground for cancellation of bail in this case.

7. Accordingly, the BLAPL stands disposed of.

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

.....