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Date: 20/10/2025

## Baya @ Pradyumna Thatoi Vs State of Odisha

## Bail Application No. 7908 Of 2021

Court: Orissa High Court

Date of Decision: Nov. 30, 2021

**Acts Referred:** 

Indian Penal Code, 1860 â€" Section 34, 304B, 306, 406, 498A

Hon'ble Judges: S.K. Panigrahi, J

Bench: Single Bench

Advocate: Deepak Kumar Sahoo, M.K. Mohanty

Final Decision: Disposed Of

## **Judgement**

S.K. Panigrahi, J

- 1. This matter is taken up through hybrid mode.
- 2. Heard Mr. Deepak Kumar Sahoo, learned Advocate appearing for the Petitioner and Mr. M.K. Mohanty, learned Additional Standing Counsel for

the State.

3. The Petitioner is an accused in S.T. Case No.84 of 2021 arising out of Nikirai P.S. Case No.145 of 2020, pending in the court of the learned

Sessions Judge, Kendrapara for the alleged commission of offences under Sections 498A/ 304B/ 306/ 406/ 34 of the I.P.C.

4. The brief facts of the case is that the daughter of the informant got married to the Petitioner six years back and at the time of marriage, her

daughter had been gifted with some house hold articles along with cash and gold ornaments. But the family members of the Petitioner demanded more

dowry and started torture both physically and mentally. On 14.1.2020, the informant got information that her daughter had died.

5. Learned counsel for the Petitioner submits that though they have familiar dispute due to some issues like it happens in other family, but due to her

mental disturbing state of mind, the daughter of the informant has taken a drastic step and consumed poison. He further submits that the petitioner is in

custody since 16.11.2021. Charge sheet has been submitted. Hence, he submits that the Petitioner may be released on bail.

- 6. Learned counsel for the State opposes the prayer for bail of the Petitioner.
- 7. It is apparent that the marriage between the Petitioner and the daughter of the informant was solemnized six years ago. Because of some family

disputes, the daughter of the informant consumed poison. Allegation against the Petitioner is that he was torturing the daughter of the informant

physically and mentally. In the present case, because of the alleged demand of dowry and torture, the victim committed suicide by consuming poison

and the viscera report also indicates that the death occurred due to consumption of poison.

8. Considering the facts and submissions made and on going through the materials available on record, further keeping in view the surrounding

circumstances including the long detention of the Petitioner in custody and as the charge-sheet has been submitted in the meantime, custodial

interrogation of the Petitioner is no more required, it is directed that the Petitioner be released on bail in the aforesaid case by the court in seisin over

the matter on such terms and conditions as deemed just and proper subject to the conditions that:

- i. the Petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge in similar activities in future; and
- iii. he shall not tamper the evidence of the prosecution witnesses in any manner.

Violation of any of the conditions shall entail cancellation of the bail.

- 9. Accordingly, the BLAPL is disposed of.
- 10. Urgent certified copy of this order be granted on proper application.

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