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**(2024) 07 OHC CK 0030**

**Orissa High Court**

**Case No:** Bail Application No.819 Of 2024

Pradip Kumar Das @ Dash

APPELLANT

Vs

State Of Odisha

RESPONDENT

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**Date of Decision:** July 1, 2024

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 302, 304B, 306, 313, 352, 498A
- Dowry Prohibition Act, 1961 - Section 4

**Hon'ble Judges:** A.K. Mohapatra, J

**Bench:** Single Bench

**Advocate:** Saroj Kumar Padhi, Biswajit Parida, Sangram Keshari Pradhan, M.R.Mishra

**Final Decision:** Disposed Of

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### **Judgement**

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioners and learned Additional Standing Counsel appearing for the State-Opposite Party and learned counsel for the Informant. Perused the materials placed before this Court.
3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioners for regular bail in connection with C.T. Case No.848 of 2023, arising out of Airfield P.S Case No.275 of 2023, pending in the Court of learned J.M.F.C.-I, Bhubaneswar for alleged commission of offence punishable under Sections 498-A, 313, 304-B, 302, 34 of IPC and 4 D.P. Act.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 16.11.2023. He further contended that initially

although case was registered for commission of offence under Sections 498-A, 313, 304-B, 302, 34 of IPC and 4 D.P. Act. After conclusion of the

investigation, final charge sheet has been filed for commission of an offence under Section 498-A, 306, 304-B, 352, 34 of IPC and 4 D.P. Act.

5. On perusal of the factual background of the present case it appears that the deceased married to one Suraj Das, who is the son of the Petitioner

Nos.1 and 2 on 14.07.2021. Further, it is alleged that at the time of marriage, the principal accused, namely, Suraj Das, was given a cash of Rs.2 lakhs

and gold ornaments as demanded at the time of marriage. After the marriage, the principal accused along with in-laws started torturing the deceased

with a demand for more dowry. They had demanded an additional dowry of Rs.5 lakhs. On 16.11.2023, the brother-in-law of the complainant received

a phone call from the mother-in-law of the deceased regarding the death of the victim. Accordingly, the present case has been registered under the

alleged sections as has been referred to hereinabove.

6. Learned counsel for the Petitioners further contended that it is established fact that the deceased committed suicide by hanging herself. He further

submitted that the deceased confined herself in a room and locked the door and thereafter she committed suicide by hanging herself. He further

contended that in-laws of family members were not present at the time of occurrence. When they returned to their home found that the victim had

locked herself, and when they opened the door, they found that the victim had committed suicide by hanging herself. Thereafter, the incident was

reported to the family members of the deceased. In view of the aforesaid facts and circumstances, learned counsel for the Petitioners submitted that

the Petitioners have been falsely implicated in the present case under the alleged sections.

7. Learned counsel for the Informant objected to release the Petitioners on bail on the ground that the allegations made in the

F.I.R. are grave and serious in nature. He further contended that the deceased was subjected to constant mental and physical torture and harassment

with respect to demand of additional dowry. Since the father of the deceased could not satisfy the demand, the victim was subjected to repeated

torture, as a result of which she might have committed suicide. In the aforesaid factual background, learned counsel for the Informant submitted that the husband, as well as in-laws, are wholly responsible for an offences under Section 306 IPC read with other sections which have been alleged in the charge sheet. Accordingly, learned counsel for the Informant seriously objected to release the Petitioners on bail.

8. Similarly, learned Additional Standing Counsel also objected to release the Petitioners on bail on the ground of severity of the crime. He contended that there is ample material on record to establish the fact that the present Petitioners are involved in the commission of the alleged crime. In such view of the matter, learned counsel for the State submitted that the bail application of the Petitioners be rejected at this juncture.

9. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, this court observes that there is no serious allegation against the Petitioner Nos.2 and 3. Furthermore, the age of the Petitioner No.2 is 52 years and Petitioner No.3 is 26 years. In the meantime, the investigation has been concluded and charge sheet has been filed under Sections 306 of IPC, therefore there is no doubt that the death of the deceased is suicidal and not homicidal in nature. However, the question as to whether the crime was committed by the in-laws, and who if at all, can only be determined upon the outcome of the trial.

10. Additionally, considering the period of detention in custody since 16.11.2023 and the fact that Petitioner Nos.2 and 3 are ladies and that the charge sheet has been filed in the meantime, this Court is inclined to release the Petitioner Nos.2 and 3 on bail subject to imposition of stringent conditions.

11. Hence, it is directed that the Petitioner Nos.2 and 3 be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/-(Rupees Thirty thousand) each with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter.

12. 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 condition shall entail cancellation of the bail application.

13. So far the Petitioner No.1 is concerned, liberty is given to the petitioner No.1 to move a fresh bail application after recording of the deposition of witness by the trial court.

14. The BLAPL is, accordingly, disposed of.

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