

IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE, (L.R & L.T.V)
BHUBANESWAR

B.A. No. 1904 OF 2024

(Arising out of C.T. Case No.132 OF 2024, corresponding to
Laxmisagar P.S. Case No. 63, dtd.26.02.2023 for the offence U/s. 306 of IPC)

Somanath Parida, aged about 34 years,
S/o- Lambodar Parida,
At/P.S- Sahid Nagar, Bhubaneswar
Dist- Khurda.

..... Accused/petitioner

-Vrs.-

State of Odisha.

..... Opp. Party.

16.09.2024

1. The petitioner has approached this Forum U/s.439 Cr.P.C., being aggrieved by the order dtd. 16.09.2024 of the learned J.M.F.C-IV, Bhubaneswar, in which the bail application of the accused–petitioner has been rejected. The petitioner in the present petition has appended one certificate that no earlier bail application of the petitioner is pending or rejected before any other court or forum, except the present one.

2. The Learned Defence Counsel has submitted that the petitioner is innocent; and that he has been falsely implicated in this case, having no fault of his own. He has further submitted that, the sister of the informant namely Subhadra Manjari Nath had committed suicide on 03.02.2024 for which the U.D case was registered. He has further stated that the deceased and the petitioner have love relationship since their college time but the family of the deceased was not interested to perform marriage of the petitioner with the deceased and the family of the deceased fixed “NIRBANDHA” of the deceased with another boy.

Further contention is that the deceased through her mobile phone whats App intimated the petitioner if she will not marry to him, she will commit suicide. But the petitioner tried to convince her but the deceased was not convinced and committed suicide in her house on 03.02.2024.

In the mean time, the accused filed anticipatory bail before the Hon'ble High Court of Orissa, Cuttack vide ABLAPL No. 3955 of 2024 wherein Hon'ble Court was pleased to direct the petitioner to surrender before the Court of J.M.F.C., Cog-Taking-IV, Bhubaneswar in the 1st hour within 21 working days and moved for bail. On such the learned Magistrate upon surrender of the accused-petitioner rejected the bail application and as per the direction of the Hon'ble Court the petitioner moved before the court of District and Sessions Judge, Bhubaneswar and later the bail application was transferred to this court for disposal according to law. On these grounds he prayed to allow the bail petition, in the interest of justice.

3. The Learned Addl. P.P., Bhubaneswar has vehemently objected the bail petition on the ground that the offence is serious in nature and there are sufficient materials on record to make out a case U/s. 306 of IPC against the accused.

Furthermore a petition was filed U/s. 24(8) Cr.P.C by the informant wherein the learned Advocate for the informant also vehemently objected the bail application taking all the pleas of prosecution. Both the learned Addl. P.P and the learned advocate for the informant have vehemently opposed the bail application of the petitioner and submitted to reject the bail application. Perused the same and tagged with the case record.

4. Heard the learned defence counsel and the learned Addl. P.P., Bhubaneswar at length on the question of bail. Perused the petition,

objection and the entire case record. As per the order of the Hon'ble High Court of Orissa, passed in ABLAPL No. 3955 of 2024, the petitioner surrendered before the learned J.M.F.C, Cog-IV, Bhubaneswar in the 1st hour within 21 working days and moved for bail. Accordingly the learned Magistrate heard his bail application in the 1st hour and she was pleased to reject the bail application. Later on the petitioner moved the bail application before this court in the 2nd hour. It is the mandate of the Hon'ble court that the higher forum shall consider and dispose of the bail application of the petitioner on the same day strictly on the basis of the materials on record. On perusal of FIR it is seen that the marriage of Subhadra Manjari Nath was finalized with an engineer who was a resident of Kalapathar and for which ring ceremony date was finalized on 04.02.2024 but she was disturbed for her marriage cancellation. It is also revealed from the FIR that the petitioner was the classmate of the deceased for which the informant and his family did not raise any doubt about their relationship. However, it was the contention of the informant that the petitioner was blackmailing his sister and was threatening to viral his photographs and her sister was mentally disturbed and committed suicide. During the course of investigation the I.O has examined the complainant and a number of other witnesses. The I.O has also seized the subsequent signatures and other relevant documents of the deceased. The I.O has also verified the criminal antecedent of the petitioner and found that no previous antecedent against the petitioner. During the course of investigation the I.O also seized the mobile on production by the informant. Further during the course of investigation the I.O has also seized one set photocopy and two numbers of small khata and sent to the handwriting bureau. The investigation of the case has progressed substantially and the statements of the witnesses have also been

recorded. Valuable documents have also been seized by the investigating officer. A photocopy of the letter of the deceased is also available in the case record wherefrom there is no mentioning regarding abetment of suicide by the accused petitioner. There is also no evidence on record directly or indirectly coming from the mouth of the deceased prior to her death that the accused had ever abetted her for commission of suicide. Furthermore, the petitioner is a resident of Sahidnagar which comes within the local jurisdiction of this court. There is also no submission of by the prosecution that the petitioner is likely to abscond or tamper with the prosecution witnesses in any manner. Admittedly, there was love relationship between the petitioner and deceased. The learned defence counsel has also filed a bunch of documents of whatsapp chatting wherein there is no intimation of any abetment of suicide by the accused petitioner rather the deceased out of the frustration had willfully decided to commit suicide. Under such circumstances keeping in view the considerable progress in investigation, seizure of vital documents, permanent residence of the petitioner and the chances of not fleeing from justice, this court is inclined to allow the bail petition filed by the accused-petitioner. Accordingly, the bail petition is allowed.

6. Let the above named accused-petitioner be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two sureties, solvent for the like amount to the satisfaction of learned J.M.F.C-IV, Bhubaneswar subject to the conditions that:-

- i) He shall not commit similar offence in future.
- ii) He shall not terrorize or threaten any prosecution witnesses.
- iii) He shall not leave the territorial jurisdiction of this court without prior permission of the court.

- iv) He shall appear before the Laxmisagar P.S on each Sunday in between 10.00 A.M to 1.00 P.M till submission of final form.
- (v) He shall appear before the court in seisin on each date of posting till disposal of the case.

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

Send a copy of this order along with the L.C.R to the learned J.M.F.C-IV, Bhubaneswar forthwith. Accordingly, the bail application is disposed of.

(Dictated)

Sd/-

Addl. District & Sessions
Judge, (L.R & L.T.V),
Bhubaneswar