



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.606 of 2024

Nirmal Biswal

.... Appellant(s)

Represented by Adv.-

Mr. Brundaban Rout, Advocate

-versus-

State of Odisha

.... Respondent(s)

Represented by Adv.-

Mr. Jateswar Naik, AGA

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No.

23.03.2026

(Hybrid mode)

I.A. No. 1477 of 2024

14. **1.** This is an application for grant of bail moved by the appellant.
- 2.** The appellant has been convicted under section 498-A/302/34 of the Indian Penal Code and was sentenced to undergo R.I. for three years and to pay a fine of Rs.5,000/- (five thousand), in default to undergo R.I. for six months for the offence under section 498-A of IPC and sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/- (rupees ten thousand) in default, to undergo R.I. for one year for



the offence under sections 302 of the Indian Penal Code, as directed by the learned Addl. District and Sessions Judge, Kujang in C.T. Case No.50 of 2019.

3. Vide order dated 18.02.2026, we sought for instructions from the learned State Counsel regarding the custody certificate, criminal antecedents and jail conduct of the appellant. Pursuant thereto, the IIC, Abhayachandpur P.S. has placed on record the report dated 22.03.2026 informing the Court that the appellant is not involved in any case except the present case. The Superintendent, Sub-Jail, Kujanga has also filed custody certificate dated 20.02.2026 stating that as on date the appellant has already undergone custody for a period of seven years five months and twenty three days.

4. Mr. Rout, learned counsel for the appellant has submitted that the evidence of P.W.7 has been strongly relied upon by the learned trial court for convicting the appellant. P.W.7, who is the father of the deceased, is the informant in the present case. He has deposed before the court that the accused appellant had been torturing his daughter continuously for want of dowry. On 27.08.2018, he got information over phone from one Pitambar Gochhayat (P.W.4) regarding the death of his daughter. Hearing that, he along with his elder brother and other villagers came to the matrimonial house of his daughter and found that his daughter was lying dead on



a cot in her bed room. He has also very specifically deposed that he noticed that his daughter had sustained injuries at the back side of her head.

P.W.9, was the doctor, who conducted the post mortem examination has found the following injuries:-

"The body was swollen, face congested, tongue bitten in between the teeth, bleeding from nostril. There was no clear, continuous ligature mark on the neck. Only a black spot of size ½ inch x ½ inch over right side neck and over the thyroid prominence. There was fracture of hyoid bone."

The doctor has further opined that the death was caused due to asphyxia because of strangulation, which is homicidal in nature. The doctor has very specifically deposed in his cross examination that there was no injury found on the neck, muscle or any part of the body. He deposed that it may not be a case of throttling. He further clarified that in case of the strangulation there are possibility of other injuries, if there is a resistance from the side of the deceased.

From the evidence of the doctor it is very clear that the deceased had no ante mortem injuries on the body. The death is caused due to strangulation. However, in the cross examination to some extent that part of the evidence by which he suggested the death is caused by strangulation is also created a doubt.



5. Mr. Naik, learned counsel for the State has also concedes to the submission made by learned counsel for the appellant to the extent that there is a direct contradiction between the evidence of P.W.7 and P.W.9. However, he submits that since the incident had taken place six to seven months of the marriage, the presumption of law operates against the appellant, hence the conviction is justified.

6. We have taken into consideration the submission made by both the counsels. Regard being had to the nature of evidence and taking into consideration the submission made by the parties and the period of custody and since there is no chance of early hearing of the appeal, we are inclined to enlarge the convict-appellant on bail.

7. Let the appellant be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court, subject to condition that while on bail the appellant shall not indulge in any criminal activities in any manner and any other condition to be imposed by the learned trial court as deem fit and proper in the facts and circumstances of the case.

8. Violation of any of the terms and conditions shall entail cancellation of the bail.



9. Accordingly, the I.A. is disposed of.

10. Issue urgent certified copy of this order as per rules.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge

Ashok