

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 114 of 2022

Babu @ Rahim Khan* *Appellant

Mr.B.K.Nayak, Advocate

-versus-

State of Odisha* *Respondent

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
25.07.2022**

Order No.

10. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Learned counsel for the State submitted that notice on the informant is sufficient.

None appears on behalf of the informant.

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with C.T. Spl. Case No.117 of 2021 arising out of Jajpur P.S. Case No.338 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Jajpur for offences punishable under sections 306 and 498-A of the Indian Penal Code read with sections 3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Sessions Judge -cum- Special Judge, Jajpur, which was rejected on 23.11.2021.

Learned counsel for the appellant submits that the appellant is in judicial custody since 19.09.2021 and he has been charge sheeted under sections 306 and 498-A of the Indian Penal Code read with sections 3(2)(v) of the S.C. & S.T. (PoA) Act. It is further submitted that the petitioner is the husband of the deceased Surabali Chatar and their marriage was solemnized eight years prior to the date of occurrence and on account of family quarrel between the petitioner and the deceased, she committed suicide and the post mortem report findings indicate that the cause of death was due to asphyxia and suicidal hanging and there is no material that the petitioner abetted the commission of suicide and therefore, the bail application of the appellant may be favourably considered.

Learned counsel for the State, on the other hand, placed the statements of Madhu Purty, the father of the deceased so also Baby Chatar, the daughter of the petitioner and the deceased aged about eight years, who stated about the quarrel between the petitioner and the deceased on the date of occurrence.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, post mortem findings and the period of detention of the appellant in judicial custody, I am inclined to release the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with

further conditions as the learned Court may deem just and proper with further conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

The CRLA is accordingly disposed of.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge

PKSahoo

