

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1692 of 2022

Khairu Naik

....

Petitioner

Mr. Dhirendra Kumar Mohapatra,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.A. Pradhan
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.4.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 27th December, 2020 in connection with Talasara P.S. Case No.214/2020 corresponding to S.T. No.42/99 of 2021 pending in the court of learned Addl. Sessions Judge, Sundargarh for the alleged commission of the offence under Sections 498-A/302/201/34 of I.P.C.

4. The prosecution allegation is that the Petitioner severely assaulted the victim who is his wife and thereafter when she died, he tried to conceal such fact by hiding the dead body. A reading of the statement of witnesses reveals that the Petitioner and the deceased used to quarrel frequently and on the date of occurrence also there was a quarrel between them during which the Petitioner is said to have assaulted the deceased. Prima facie, this much alone cannot lead to the conclusion that the assault was made by the victim with any premeditation or definite intention to kill the deceased.

5. Having regard to the above facts and the period of detention in custody of the Petitioner, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of the case without fail.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

