

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2754 of 2022

Akhaya Behera

....

Petitioner

Mr. M.K. Mohapatra,
Advocate

-Versus -

State of Odisha & Anr.

....

Opp.Parties

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.10.2022

Order No.

5.

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 07.07.2021 in connection with Orkel P.S. Case No.119 of 2021 corresponding to T.R. Case No.38 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 498-A/363/366/302/304-B/376(2)(n)/34 of IPC read with Section 6(1) of POCSO Act and Section 4 of D.P. Act.
4. The fact of the case is that the petitioner had a love affair with the deceased, who stayed with him as his wife. On 21.06.2021, the deceased is said to have quarreled with her husband and left home. Since then, she was searched for but not found. Ultimately on 05.07.2021, the deadbody of the deceased was found hanging from a Kusuma tree in a jungle as seen by one Subhadra Gachha. There is no direct or indirect evidence to show the complicity of the petitioner in the alleged

occurrence. There are no eye-witnesses. The so called circumstances do not unequivocally link the petitioner with the alleged occurrence.

5. Taking into consideration all the above facts as also the period of detention of the petitioner in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

