

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2814 of 2022

Sapani Mohanty

....

Petitioner

Mr. A. Mishra, Advocate

- Versus -

State of Orissa

....

Opposite Party

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.06.2022

Order No.
03.

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 21.11.2021 in connection with Nuagaon P.S. Case No.110 of 2021 corresponding to G.R. Case No.1188 of 2021 pending in the Court of learned S.D.J.M., Jagatsinghpur for the alleged commission of offence under Sections 498-A/304-B/302/34 of IPC.
4. It is alleged that the petitioner, who is the father-in-law of the deceased, treated the deceased to mental and physical cruelty along with his other family members.
5. It is submitted by learned counsel for the petitioner that the marriage having taken place more than seven years back, the offence under Section 304-B of IPC is not made out and therefore, police has submitted charge sheet deleting the said offence.
6. Learned Addl. Standing Counsel has referred to the statement of some witnesses who have categorically stated that

the petitioner wanted to have illicit relationship with the deceased which led to serious mental depression of the deceased.

7. Considering the nature of allegations and the availability of material prima facie in support thereof, I am not inclined to allow the prayer for bail, which is therefore, rejected. It is however open to the petitioner to renew his prayer for bail after examination of some material witnesses including Debasis Biswal and Nrusingha Mohanty.

8. BLAPL is accordingly rejected.

(Sashikanta Mishra)
Judge

A.K. Rana

