

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 3151 OF 2022

Hemanta Bag @Khutlu

.....
Mr. J.N.Panda, Adv.

Petitioner

-versus-

State of Odisha

.....
Mr. K.K.Gaya, ASC

Opposite Party

CORAM:
JUSTICE V. NARASINGH

ORDER
20.07.2022

Order No.
02.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner is an accused in connection with Bhawanipatna Town P.S. Case No.346 of 2021 corresponding to C.T. Case No. 11 of 2022 on the file of learned Sessions Judge. Kalahandi, Bhawanipatna, registered for the alleged commission of offence under Sections 498-A/302 of the I.P.C.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Sessions Judge. Kalahandi, Bhawanipatna, by order dated 7.03.2022, the present BLAPL has been filed
5. It is submitted by learned counsel for the petitioner that though, the F.I.R. was lodged under Section 498-A/302 of the I.P.C. relating to death of his wife, after investigation Charge Sheet has been

filed under Sections 498-A/306 of the I.P.C. The petitioner is stated to be in custody since 27.09.2021.

6. Despite repeated opportunities, the learned counsel for the State could not produce the Case Diary. This Court perused the Final Form as submitted by the learned counsel for the petitioner and the statement of the son of the petitioner and deceased, one Birat Bag.

7. On a conspectus of materials on record and taking into account that the Charge Sheet has been filed inter alia under Sec. 306 I.P.C. and the period of custody, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the learned court in seisin over the matter so as to ensure the presence of the petitioner in the trial.

8. The statement of Birat Bag be kept on record

9. Accordingly, the BLAPL stands disposed of.

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

(V.Narasimha)
Judge

Dhal