

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2848 of 2020

Prafulla Behera @ Prafulla Kumar ***Petitioner***
Behera

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. S.K. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
25.02.2022

Order No.

07. 1. This matter is taken up by video conferencing mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Talabania P.S. Case No.50 of 2019 corresponding to G.R. Case No.1435 of 2019 pending in the Court of the learned S.D.J.M., Puri for offence punishable under sections 498(A)/304(B)/302/406/34, I.P.C. read with section 4 of the D.P. Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that in view of the homicidal death of the daughter-in-law of the Petitioner, he having been arrested in the case is in custody since 09.08.2020. He further submits that the investigation of the case is by now complete and in the meantime charge-sheet has already been submitted. It is his submission that the husband of the deceased after the incident has committed suicide and although he has been shown as an accused, he is no more to face the charges. Referring to the statement of the witnesses, he submits that here they have stated that the deceased and her husband were sleeping in the night in one room and in the morning said room was found to be locked from outside and that when was opened, the dead body of the deceased was found inside and thereafter it was detected that the husband has

committed suicide by sleeping under a running train. It is also submitted that the Informant's statement is on the score that this Petitioner had informed her from another place away from home as regards the illness of her daughter. In view of all these above, he urges for reconsideration of the prayer for grant of bail to the Petitioner, as according to him, further detention of the Petitioner in custody would serve no useful purpose when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence.

4. Learned counsel for the State opposes the move. According to him, it is too early a stage to take a view that the Petitioner had no involvement in the incident. He, however, does not dispute the position that the husband of the deceased has committed suicide after the incident and his dead body was detected near a railway track at a short distance from their house.

5. Considering the submissions as advanced and on going through the averments made in the F.I.R. as well as the order passed by the learned 1ST Additional District & Sessions Judge; further keeping in view the surrounding circumstances including the factum of detention of the petitioners in custody since 08.08.2019; while being inclined to reconsider the prayer for bail of this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person on each date of posting of the case before the court in seisin of the case without fail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D. Dash)
Judge