

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3530 of 2022

Kubera Nayak

...

Petitioner

Mr. A.R. Panda, Advocate

- Versus -

State of Odisha

...

Opposite Party

*Mr. M.R. Mishra,
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

16.09.2022

Order No.

4.

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 in custody since 30.06.2021 in connection with Khajuripada P.S. Case No. 71 of 2021 corresponding to Sessions Trial Case No. 59 of 2021 pending in the court of learned District and Sessions Judge-cum-Special Judge, Phulbani for the alleged commission of offence under Sections 498(A)/304(B)/306 of IPC.
4. The petitioner is the husband of the deceased. It is alleged that the deceased was treated with cruelty by her in-law in connection with demand of dowry. However, from the statement of witnesses recorded by the I.O., it would appear that there was dissension between the husband and wife because the wife used to talk for long hours with somebody on the mobile phone which her husband did not like. On the date of occurrence, the deceased

had visited her house and thereafter was found to have committed suicide by hanging herself in a nearby jungle. There are no materials, prima facie to show that the petitioner had instigated the deceased to such extent as to lead her to commit suicide.

5. Considering the above fact as also the period of detention 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. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

