

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.10412 of 2022**

***Bijaya Kumar Mallick***

....

***Petitioner***

*Mr. B.S. Tripathy, Advocate*

*-versus-*

***State of Orissa***

....

***Opp. Party***

*Mr. S.R. Roul, A.S.C.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**18.01.2023**

**Order No.**

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Satyabadi P.S. Case No. 337 of 2020 corresponding to S.T. Case No. 21/33 of 2020-21 pending in the file of learned 2<sup>nd</sup> Additional Sessions Judge, Puri for commission of offence punishable U/Ss. 302/498-A/34 of IPC, on the allegation of committing murder of his wife and subjecting her to torture and cruelty prior to her death, along with co-accused persons in furtherance of their common intention.
  3. Mr. B.S. Tripathy, learned counsel for the Petitioner submits that the Petitioner is the husband of the deceased and although there is allegation against the Petitioner for committing murder of the deceased, but in fact the deceased had committed suicide and the opinion of the doctor as to cause of death of the deceased has been kept reserved in the Post Mortem Report pending viscera examination, but in the meanwhile, trial has already commenced with examination of one witness and the Petitioner is in custody since

01.10.2020 and there are three dependent children of the Petitioner staying in his house without his guidance and the Petitioner, therefore, may kindly be granted bail.

4. Mr. S.R. Roul, learned A.S.C. submits that since the Petitioner has been charge-sheeted for offence U/S.302 of IPC which prescribes the capital punishment and the opinion as to cause of death has been kept reserved in the Post Mortem Report of the deceased, at the stage grant of bail, to the Petitioner would definitely have an adverse impact on the society. Learned A.S.C., accordingly, prays to reject the bail application of the Petitioner.

5. After considering the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioner and on going through the materials placed on record and keeping in view the pre-trial detention of the Petitioner since 01.10.2020 and regard being had to the fact that the opinion of Doctor as to cause of death has been kept reserved in the Post Mortem Report and taking into consideration the other circumstance on record in entirety, this Court admits the Petitioner to bail.

6. Hence, the prayer for the bail of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the Petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for

cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

**( G. Satapathy )**  
**Judge**

*Priyajit*

