

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4126 of 2022

Chandan Naik

....

Petitioner

Mr. S.R. Mohapatra, Adv.

- Versus -

State of Odisha

....

Opp.Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.08.2022

Order No.

02.

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. This is second journey of the petitioner to this Court, his earlier application for bail being rejected as per order passed by this Court in BLAPL No.11202 of 2021.
4. The petitioner is in custody since 11.09.2021 in connection with Motanga P.S. Case No.180 of 2021 corresponding to CT (SS) Case No.92 of 2021 pending in the Court of learned Civil Judge (SD) (Women's Court)-cum- A.S.J., Dhenkanal for the alleged commission of offence under Section 498-A/306/34 of IPC and Section 66-E and 67 of I.T. Act.
5. It is alleged that the petitioner abetted the suicide of his wife. His application for bail was earlier rejected by this Court taking into account the fact that despite his wife's illness he had taken her and left her in his father-in-law's house instead of taking her to hospital. In the meantime several witnesses including the informant have been examined. While the fact of shifting of the deceased to her paternal house by the petitioner has been spoken

by almost all the witnesses, yet there is no allegation as against him. On the contrary, P.W.-2, who happens to be the younger brother of the deceased, has implicated three persons including one Saroj Naik as being responsible for death of the deceased as they had prepared certain obscene videos of the deceased and were blackmailing her. It is submitted that the said Saroj Naik has been granted bail as per order passed by this Court in BLAPL No. 11197 of 2021.

6. Considering the above facts and taking into account the period of detention of the petitioner 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 and in case of non-appearance, the trial court shall issue NBW to take him to custody.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana