

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4638 of 2022

Manoj Kumar Biswal

....

Petitioner

Mr. S.S. Ray-2, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

24.09.2022

Order No.
05.

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 01.09.2020 in connection with Aska P.S. Case No.431 of 2020 corresponding to G.R. Case No.782 of 2020 pending in the court of learned J.M.F.C., Aska for the alleged commission of offence under Sections 498-A/302/304-B/34 of IPC read with Section 4 of DP Act.
4. The petitioner is the husband of the deceased. Though the allegation originally made by the informant, who is the brother of the deceased, is to the effect that she was killed by her husband and in-laws by setting her on fire by pouring kerosene on her body, yet in the ongoing trial being examined as a witness (P.W.-4), the informant has completely resiled from his earlier version and testified that there was a fire while she was cooking.
5. Considering the above facts, it cannot prima facie be said that the petitioner was responsible for the death of the deceased as

alleged by the prosecution. In such view of the matter, 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. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

