

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4719 of 2022

Maheswar Behera

.... ***Petitioner***
M/s. A.Mishra, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.R.Tripathy, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

07.12.2022

Order No.

- 06.
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 Mangalpur P.S. Case No.497 of 2021 corresponding to C.T. Case No.2197 of 2021 pending in the Court of learned S.D.J.M., Jajpur for commission of offence punishable U/Ss. 498-A/306/34 of the I.P.C. on the allegation of abetting commission of suicide 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. At the outset, Mr.A.Mishra, learned counsel for the petitioner by filing the surrender certificate submits that the petitioner has already surrendered to the custody after availing the interim bail. The surrender certificate be kept on record.
 4. In the course of hearing of the main bail application, Mr.A.Mishra, learned counsel for the petitioner submits that the petitioner was not at all present at the place of occurrence, but the

deceased had committed suicide for the reason best known to her and the petitioner is no way responsible for the death of the deceased. It is also submitted that the petitioner is inside judicial custody since 26.03.2022 and after closure of investigation, charge sheet has already been placed U/Ss. 306/498-A/34 of IPC and the petitioner, therefore, may kindly be released on bail.

5. On the contrary, Mr.R.Tripathy, learned counsel for the State submits that there are sufficient allegations available on record against the petitioner and, thereby, the petitioner shall not be released on bail.

6. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner and taking into consideration the submission of charge sheet and regard being had to the pre-trial detention of the petitioner and keeping in view the other circumstance on record in the entirety, this Court admits the petitioner to bail.

7. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bond of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case 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.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

