

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5257 of 2022

Simanchal @ Manoj Gouda

.... ***Petitioner***
M/s. S.G.Das, Advocate

-versus-

State of Orissa

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

CORAM:

JUSTICE G. SATAPATHY

ORDER

07.12.2022

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 Pattapur P.S. Case No.155 of 2021 corresponding to S.T. Case No.79 of 2021 pending in the Court of learned 2nd Additional Sessions Judge, Berhampur for commission of offence punishable U/Ss. 498-A/302/304(B) of the I.P.C. on the allegation of committing murder of his own wife on suspicion of infidelity.
 3. In the course of hearing of the bail application, Mr.S.G.Das, learned counsel for the petitioner submits that the petitioner is inside jail custody since last one and half year and all the allegations appearing against the petitioner are frivolous and false, and the petitioner has been detained in custody without any rhyme and reason. It is accordingly prayed by him to grant bail to the petitioner.
 4. On the contrary, Mr.R.Tripathy, learned counsel for the State submits that there is ample evidence available against the petitioner for committing murder of his own wife and learned counsel for the State by referring to the statement of son of the deceased who has

vividly described how the petitioner had killed the deceased, submits that the petitioner is the author of the crime. On the aforesaid submissions, learned counsel for the State prays to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the gravity of offences alleged and taking into consideration the specific allegations appearing against the petitioner for assaulting the deceased and throttling her neck together with the opinion of the doctor as to the cause of death of the deceased as mentioned in the post mortem report and regard being had to the statement of the son of the deceased and keeping in view the other circumstances on record in entirety, this Court considers it undesirable to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge