

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5362 of 2022

Laxman Pradhan

....

Petitioner

Mr. J. Sahoo, Adv.

- Versus -

State of Odisha

....

Opp.Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.09.2022

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. The petitioner is in custody since 23.06.2022 in connection with Banpur P.S. Case No.126 of 2013 corresponding to G.R. Case No.188 of 2013 pending in the Court of learned J.M.F.C., Banpur for the alleged commission of offence under Sections 498-A/304-B of IPC read with Section 4 of D.P. Act.
4. As per the prosecution case, the petitioner and his wife used to have quarrels frequently. On the date of occurrence, a quarrel arose between them over a trivial issue. On the next day, when the daughter of the neighbour went to the house of the petitioner, he found the door locked from outside and when the door was broken open, it was found that the deceased was hanging from the roof by means of a rope. Neither the petitioner nor his children was present at home. On the above evidence prima facie

it is difficult to implicate the petitioner in the alleged occurrence, though there are materials to show that there were quarrels between them in the past. However, in view of the postmortem report which shows the cause of death as asphyxia due to hanging without any mention of other bodily injuries, a reasonable doubt arises regarding involvement of the petitioner.

5. Considering the above facts, 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

