

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6759 of 2022

Kodanda Joshi

....

Petitioner

Mr. B. Routray, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

04.

1. Heard Mr. B. Routray, learned senior counsel for the petitioner and learned counsel for the State.
2. Memo of appearance filed by Mr. B. Routray, learned senior counsel for the petitioner is taken on record.
3. The petitioner is an accused in G.R. Case No.49 of 2022, pending in the file of learned JMFC, Bangomunda, arising out of Sindhikela P.S. Case No.24 of 2022, for commission of alleged offences under Sections 498(A)/323/302/506/34 of IPC and Section 4 of the Dowry Prohibition Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Additional Sessions Judge, Kantabanji by order dated 30.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that learned counsel for the petitioner that the petitioner is in custody since 09.02.2022 and as charge sheet has

already been filed on 07.06.2022, further continuance of the petitioner keeping in view the allegations is not warranted.

6. Learned counsel for the State opposes the prayer for bail.

7. On account of the recitals in the charge sheet and the Case Diary it is stated by the learned counsel for the petitioner that on the fateful day the uncle of the deceased namely Diptilal Panigrahi who is cited as charge sheeted witness No.2 stopped by the cement godown of the petitioner and he along with the petitioner went to the house and when they did not find the petitioner's wife, they searched for her and found her hanging in her room.

The same is the statement of wife of P.W.2 Mrs. Jotish charge sheeted witness No.17.

8. Relying on the said statement and the P.M. report which states that the death is due to asphyxia and the ligature was sufficient to bare the weight of the deceased during hanging, it is submitted by the learned senior counsel that because of the background of torture, as stated, before the deceased returned to the house of the petitioner, he has been implicated in the case at hand.

9. Learned counsel for the State on the other hand relies on the statement of Lokanath Panigrahi, the father of the deceased cited charged sheeted witnesses No.1 and Maheswar Sahu charge sheeted witness No.3 and submits that their statements fortify allegations of systematic torture of the petitioner over the years for which the petitioner was driven to end her life.

10. It is also further submission of the learned counsel for the State that as to further probe into the complicity of the petitioner, the investigation has been kept open under Section 173(8) of the

Cr.P.C. Hence the accused ought not to be released on bail at this stage merely because charge sheet has been filed.

11. Taking into account the statement of charge sheeted witness No.2 and 17 and coupled with the P.M. report notwithstanding the consistent evidence regarding torture prior to the incident, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge



Santoshi