

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7166 of 2022

Ashok Meher

....

Petitioner

Mr. S. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.08.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.52 of 2022, on the files of S.D.J.M. Birmaharajpur, arising out of Ulunda P.S. Case No.19 of 2022, under Sections 498A/304-B/302/201 read with Section 4 of the D.P. Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sonapur, by order dated 24.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner relying on the supervision note submits that its a case of suicide by hanging which has been given a colour of antemortem strangulation. To fortify his stand he places reliance on the postmortem report and more

particularly the description relating to ligature mark and also relies on the 2018 edition of Modis jurisprudence dealing with ligature mark and submits with vehemence that the ligature mark as noted can only be possible in the case of suicidal hanging but it cannot be a case under Section 302 of IPC, as made out by prosecution.

6. Learned counsel for the State has placed on record the statement of witnesses Mohan Meher and Ballav Meher leading to the discovery of the ligature, under Section 27 of the Evidence Act.

7. On consideration the materials on record and the postmortem report which clearly indicate that the death in the case at hand is antemortem and homicidal, this Court is not inclined to entertain this bail application at this stage. The same stands rejected.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi