

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7454 of 2022

Hrusikesh Behera

....

Petitioner

Mr. D.P. Dhal, Sr. Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
01.12.2022

Order No.

02.

1. Heard learned senior counsel for the petitioner and learned counsel for the State.
2. The appearance memo filed by the learned senior counsel is taken on record.
3. The petitioner is an accused in connection with Special G.R. Case No.236 of 2022, pending in the Court of the learned JMFC, Chandbali, arising out of Bansada P.S. Case No.106 of 2022, for alleged commission of offences under Sections 498(A)/294/302/304-B/34 of IPC read with Section 4 of the D.P. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bhadrak, by order dated 18.07.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned senior counsel that the petitioner is in custody since 15.03.2022 and charge-sheet has been filed on 30.06.2022.

6. It is the submission of the learned counsel for the petitioner that initially the petitioner along with all the in-laws were arrayed as accused persons and after investigation charge-sheet has been filed only against the present petitioner.

7. It is submitted that the allegations so far as the injury suffered by the petitioner is general in nature. The other accused persons have not ever been cited as accused and only because the petitioner is the husband, he is being victimized.

8. It is the further submission that since charge-sheet has already been filed on 30.06.2022, further continuance of the petitioner in custody is unwarranted.

9. Learned counsel for the State opposes the prayer for bail relying on the statement of one Dilip Kumar Jena, who is the brother-in-law of the deceased, Bhabilata Behera sister-in-law of the deceased and staying with her under the same roof.

10. This Court carefully considered the statement of Dilip Kumar Jena. He has categorically stated that the deceased had told him that she has been set on fire by all.

11. Considering the same and taking into account the statement of the deceased sister-in-law regarding continuous torture, she was subjected to by the petitioner-husband, this Court is **not inclined** to entertain this bail application.

12. It shall be open to the petitioner to renew his prayer before the learned Court in seisin over the matter afresh, after examination

of material witnesses. Needless to say that the same shall be considered on its own merits.

13. Accordingly, the BLAPL stands rejected.

(V. NARASINGH)
Judge

Ayesha

