

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7720 of 2022

Alok Sethy

....

Petitioner

Mr. B.K. Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.09.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for the informant.
3. The petitioner is an accused in C.T. Case No.174 of 2022, pending in the file of learned J.M.F.C. Narasinghpur, arising out of Narasinghpur P.S. Case No.98 of 2022, alleged offence under Sections 498(A)/304(B)/302/306/34 of IPC and 4 of D.P. Act and is in custody since 31.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Athagarh by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that since charge sheet has already been filed inter alia under Section 306 of IPC, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the informant placing the Post-mortem report submits that it clearly reveals that the injuries are ante-mortem and the ligature does not have the strength to bear the weight of the deceased,

7. This Court had occasion to peruse the statement of one of the witnesses Subhashree Sethy, daughter of the victim who stated in clear terms that at the relevant time the door was locked from inside and had to be broke open to make an attempt to rescue the victim.

8. Taking note of the same and keeping in view that the petitioner is the brother-in-law and is in custody since 31.05.2022 and charge sheet have been filed on 07.09.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi