

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6941 of 2021

Pabitra Behera

....

Petitioner

Mr. T.P.Mohapatra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.7.2022.

Order No.

05.

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 4th July, 2021 in connection with Anugul Industrial (NISA) P.S. Case No.150/2021 corresponding to G.R. Case No.676/2021 pending in the court of learned J.M.F.C, Banrapala for the alleged commission of the offence under Sections 498-A/302/304(B)/34 of I.P.C. and Section 4 of the D.P. Act.

4. The Petitioner is the husband of the deceased. It is alleged that the Petitioner had illicit relationship with his sister-in-law for which there was ill feeling between the husband and wife and the matter was also attempted to be resolved through villagers. It is submitted that the charge sheet has been submitted deleting the offence under Section 302 of I.P.C. It is further submitted that the Petitioner has no role to play as the victim consumed poison on her own volition without being influenced by another facts.

5. I have considered the submissions and perused the materials on record. Though offence under Section 302 of I.P.C. has been deleted yet prima facie there are materials to show that there was sufficient instigation by the Petitioner in the form of extra marital relationship with his sister-in-law, which is a plausible reason for the victim to have decided to commit suicide. As such, I am not inclined to allow the prayer for bail, which is therefore rejected. It is open to the Petitioner to renew his prayer after examination of some material witnesses in this case.

AKB

(Sashikanta Mishra)
Judge

