

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8118 of 2022

Mahendra Kumar Rout

....

Petitioner

Mr. S. R. Patanaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

Mr. H.K. Ratsingh, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
3. The petitioner is an accused in C.T. Case No.1673 of 2022, pending in the file of learned S.D.J.M., Bhubaneswar, arising out of Saheednagar P.S. Case No.109 of 2022, for alleged commission of offence under Sections 498(A)/306 of IPC and is in custody since 19.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Vigilance, Bhubaneswar by order dated 08.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the charge sheet.
6. It is submitted by the learned counsel for the petitioner that since charge sheet has been filed under Section 304-B/306 of IPC and other allied Sections, further continuance of the petitioner in

custody is not warranted and relying on the post mortem report, it is submitted that death being due to combined effect of venous congestion and asphyxia, no criminality can be attributed to the petitioner.

7. Learned counsel for the State as well as the informant opposes the payer for bail.

8. This Court perused the statement of the daughter of the petitioner and deceased, aged about 5 years who has clearly stated that due to assault by the petitioner, her mother locked herself in the room and committed suicide.

9. This Court had occasion to peruse the post mortem report of the deceased in which there is corresponding injury which fortifies the statement of the child witness.

10. Considering the circumstances which impelled the deceased to end her life, this Court is not inclined to entertain this bail application at this stage.

11. Accordingly, the same stands rejected.

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

(V. NARASINGH)
Judge

Santoshi