

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8180 of 2022

Deepak Behera @ Jagan

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

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.
3. The petitioner is an accused in connection with G.R. Case No.296 of 2022, pending in the Court of the learned NGN-cum-J.M.F.C., Tangi, arising out of Tangi P.S. Case No.290 of 2022, for alleged commission of offences under Sections 498-A/302/304-B/34 of the 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 1st Additional Sessions Judge, Khurda, by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 11.06.2022 and since charge-sheet

has already been filed on 08.10.2022, further continuance of the petitioner in custody is unwarranted.

6. It is submitted by the learned counsel for the petitioner that though the F.I.R. was filed inter alia under Section 302 of IPC after investigation the Investigating Agency has submitted the charge-sheet under Sections 498-A/302/304-B/306/34 of the IPC read with Section 4 of the D.P. Act. Hence, it is submitted that the petitioner may be released on bail.

7. This Court had occasion to peruse the post mortem report in which the medical officer has opined that it's a case of suicidal hanging.

8. It is also stated by one Sesa Mallick, neighbour of the petitioner and the deceased that on the fateful day, the petitioner-husband was not present and the entire incident happened due to prior altercation between the husband and wife.

9. Taking into account the background in which the petitioner decided to end her life and filing of charge-sheet inter alia under Section 306 of IPC, 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.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha