

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8315 of 2022

Sujit Behera

....

Petitioner

Mr. M.K. Mohapatro , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

20.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with G.R. Case No.1753 of 2022, pending in the Court of the learned S.D.J.M., Talcher, arising out of Bikrampur FCI P.S. Case No.199 of 2022 for commission of alleged offences under Sections 498A/304-B/34/109 of the IPC read with Section 4 of the D.P. Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Talcher, by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioner is in custody since 31.07.2022 and as charge sheet has already been filed on 31.08.2022, his further continuance in custody is not warranted.

5. Learned counsel for the State opposes the prayer for bail relying on the statement of the parents of the deceased to indicate that there are materials on record to state that she was subjected to

torture on account of non-fulfillment of demand of dowry for which she was driven to commit suicide.

6. Learned counsel for the petitioner referring to the postmortem report submits that the death is due to suicidal hanging and places on record the statement of one Nirmal Moharana who indicates the background of dissension between the deceased and her husband-the present petitioner revolving around the alleged extra marital affair that the present petitioner had with his sister in-law.

7. The statement of one Jiten Ku. Behera, placed by the learned counsel for the petitioner is also to the same effect.

8. Considering the nature of allegations and the period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi