

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7615 of 2021

Abhishek Sharma

.... ***Petitioner***
Mr. Sarada P. Sarangi,
Advocate

-versus-

The State of Odisha

.... ***Opposite Party***
Mr. G. Mund,
Additional Government Advocate for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
12.01.2022

Order No.

06. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the case diary and other relevant papers.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Joda P.S. Case No.186 of 2020, corresponding to G.R. Case No.664 of 2021, pending in the court of learned J.M.F.C., Barbil, for alleged commission of offences under Sections 498-A/307/302/304-B/201 I.P.C. read with Section 4 of D.P. Act, which has subsequently been committed to the learned Additional District & Sessions Judge, Champua.
4. Learned counsel for the Petitioner submits that there are no eye witnesses to the occurrence. Basing on the circumstantial evidence, the prosecution is implicating the present Petitioner in this

case. Petitioner's specific case is that deceased committed suicide due to stress and mental imbalance.

5. Mr. Mund, learned Additional Government Advocate for the State submits that evidence collected so far are tell tale and since the occurrence has taken place few days after the marriage, presumption can be drawn against the present Petitioner as the husband of the deceased. He further lays emphasis on the post-mortem report and submitted that the death was homicidal and not suicidal.

6. Be that as it may, it is further submitted that charge-sheet in this case has been submitted in the meantime. Against the rejection order, Petitioner approached this Hon'ble Court in BLAPL No.382 of 2021, which was prior to filing of charge-sheet. Learned counsel for the Petitioner therefore prays that liberty may be granted to move the learned trial court afresh for regular bail.

7. Learned counsel for the Petitioner however submits that Petitioner may be enlarged on interim bail for a period of two months to look after his ailing parents and other family members. In view of the aforesaid facts and circumstances of the case and the fact that Petitioner is in jail custody since the date of his arrest, i.e. 15.07.2021, this Court is inclined to release the Petitioner on interim bail for a period of four weeks subject to furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter. Petitioner is also directed not to tamper with the evidence or threat the witness to the occurrence and he shall surrender before the local police on or before 16.02.2022 positively without fail with further stipulation that he shall appear before the local police station

on every Sunday at 11.00 A.M. to 1.00 P.M. and cooperate in the investigation.

8. The bail application is disposed of with the liberty as prayed for.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge

U.K.Sahoo

