

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8947 of 2022

Biswajit Parida

....

Petitioner

Mrs. S. Jena, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.09.2022

Order No.

01.

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 C.T. Case No.299 of 2022, pending in the Court of learned J.M.F.C.(R), Balasore, arising out of Balasore Sadar P.S. Case No.99 of 2022, for offences under Sections 498-A/302/304-B/34 of 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 3rd Additional Sessions Judge, Balasore, by order dated 03.09.2022 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 25.03.2022 and since charge-sheet has already been filed, keeping in view the nature of allegations more particularly the statement of the mother-in-law of the victim Ramani Behera who has referred to her daughter being tortured by

the in-laws and no specific allegations being made against the present petitioner-husband, the petitioner is entitled to release on bail.

6. It is also further submitted that from the post mortem report and inquest, it can be seen that there was no injury on the deceased, hence the allegations under Section 302 of IPC is not borne out on the basis of the materials on record.

7. Learned counsel for the State opposes the prayer for bail relying on the very statement on which the learned counsel for the petitioner relied i.e. the mother-in-law of the present petitioner Ramani Behara and co-villager Harendra Parida and also brother of the deceased Nabakishore Behera.

8. On a conspectus materials on record taking into account the statement of the in-laws and of the villager and the petitioner being admittedly present on the date of occurrence, this Court is **not inclined** to consider the bail application at this stage.

9. It shall be open to the petitioner to move the learned Court in seisin over the matter at a later stage.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha