

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8995 of 2022

Sunil Kumar Mohanty

....

Petitioner

Mr. Jayanta Kumar Majhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

27.09.2022

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 C.T Case No.253 of 2022 pending in the file of learned S.D.J.M., Nilagiri, arising out of Nilgiri P.S. Case No.169 of 2022, offence under Sections 498(A)/304(B)/302/34 IPC and Section 4 of the D.P Act and is in custody since 09.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Balasore by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the case diary.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner is the husband of the deceased and the case was lodged for commission of offence under Section 302/34 IPC and other allied offences and he was taken to custody on 09.05.2022. In the meanwhile charge sheet has been filed inter alia under 306 IPC and other allied offences. Hence, the prayer for release of the Petitioner is made.

7. Learned counsel for the State places on record the statement of one Dipikanta Biswal to the effect that the deceased had committed suicide and in fact the door was broke open to try to rescue her.

8. Taking into account the nature of allegation and filing of the charge sheet inter alia under 306 IPC and other allied offences as noted above, 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS