

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9017 of 2022

Suryakanta Santara

....

Petitioner

Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

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.461 of 2022 pending in the file of learned J.M.F.C., Soro, arising out of Soro P.S Case No.213 of 2022, for commission of the alleged offence under Sections 498-A/304-B/306/406 IPC and 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 Addl. Sessions Judge, Balasore by order dated 07.09.2022 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 3.5.2022 and as charge sheet has been filed on 30.8.2022, his further continuance in custody is unwarranted.
6. Learned counsel for the State relying on the order of rejection opposes the prayer for bail.

7. On perusal of the record, it is borne out that the FIR was lodged under Sections 498-A/302/304-B/34 IPC and Section 4 of the D.P Act and the accused was forwarded under the said Sections.

8. Learned counsel for the Petitioner on the basis of the FIR, which is on record, submits that after investigation, charge sheet has been filed under Sections 498-A/304-B/306/406 IPC and Section 4 of the D.P Act. Reliance is also placed on the recitals in the case diary which prima facie show that on the date of the unfortunate incident, the Petitioner was not present at the spot and in fact on getting information, he reached his house and had taken the deceased to the hospital.

9. Relying on the same, it is submitted that there are mitigating circumstances, which ought to be considered by the court and the Petitioner may be released on bail.

10. Learned counsel for the State submits that on the face of it there are materials on record that the accused-Petitioner committed the offence under Section 304-B IPC and because of the mental torture, the deceased was driven to commit suicide for which no leniency ought to be shown.

11. Considering the filing of the charge sheet, inter alia, under Section 306 IPC and the conduct of the Petitioner as evident from the recitals in the final form, as noted above, this Court is persuaded to direct the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS