

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9604 of 2022

Tapan Kumar Behera

....

Petitioner

Mr. B. Baug, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is accused in connection with C.T. Case No.259 of 2022, pending in the Court of learned J.M.F.C., Basta, arising out of Singla P.S. Case No.086 dated 10.04.2022, for commission of offences under Sections 498-A/304-B/302/34 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 2nd Additional Sessions Judge, Balasore, by order dated 23.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that since admittedly the marriage has taken place about 12 years back, so prima facie the charge-sheet under Section 304-B of IPC is not attracted in the case at hand.

6. It is also submitted by the learned counsel for the petitioner that relying on the post mortem report and the inquest report that the unfortunate death of his wife is on account of hanging, which is suicidal.

7. It is submitted with vehemence that the learned Court in seisin over the matter failing to appreciate the materials vis-à-vis the accusation of the petitioner in its proper prospective, rejected the bail application and since charge-sheet has been filed on 02.08.2022, further continuance in custody is unwarranted.

8. Learned counsel for the State opposes the prayer for bail.

9. On close scrutiny of the Case Diary, it is revealed in the opinion of the doctor who conducted post mortem that the death was due to hanging (suicidal).

10. From the perusal of the Case Diary, it also comes to the fore that at the relevant time, the petitioner-husband was not in the house and had gone to the paddy field and when his mother raised a halla, the petitioner came to the house and found his wife to have died due to hanging.

11. On a conspectus materials on record, 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.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha