

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9643 of 2022

Ramesh Gouda

....

Petitioner

Mr. R. Biswal, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with C.T. Case No.43 of 2022, pending before the Court of learned Additional Sessions Judge, Gunupur, arising out of Gudari P.S. Case No.01 of 2022, dtd-05.01.2022, for alleged commission of offences under Sections 498(A)/306 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Gunupur, by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 06.01.2022 and since charge-sheet has been filed on 05.05.2022 and the case has been committed. Hence, further continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the petitioner submits that though initially the FIR was registered inter alia under Section 302 of IPC after investigation charge-sheet has been filed under Section 498(A)/306 of IPC. Hence, the petitioner may be released on bail.

6. Learned counsel for the State opposes the prayer relying on the statement of Jhuna Gouda, the mother of the deceased.

7. Taking into account the filing of charge-sheet under Section 306 of IPC and the post mortem report, which does not show any external injury on the body of the deceased, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha

