

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9881 of 2022

Sukumar Behera

....

Petitioner

Mr. A. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.11.2022

Order No.

02.

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 an accused in connection with C.T. Case No.989 of 2022, pending in the Court of the learned S.D.J.M., Baripada, arising out of Jharpokharia P.S. Case No.124 of 2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, -cum-Special Judge (Vigilance), Baripada, by order dated 22.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 06.06.2022 and charge-sheet has been filed on 15.09.2022, further continuance of the petitioner in custody is unwarranted.

6. It is stated that though initially the charge-sheet was filed under Section 302 of IPC and other allied Sections, after investigation final form has been submitted inter alia under Sections 498-A/304-B/306/34 of IPC read with Section 4 of D.P. Act.

7. It is submitted with vehemence that the date of marriage was on 28.05.2015 and the unfortunate incident happened on 05.06.2022. As such the accusation under Section 304-B of IPC is ex facie not made out. And since, the allegations are omnibus in nature, further continuance of the petitioner is punitive.

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

9. Considering the filing of charge-sheet inter alia under Section 306 of IPC and the nature of allegations and the period of custody 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.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha