

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10010 of 2022

***Rutuparna Mahakud @ Tapan
Kumar Mahakud***

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
31.10.2022**

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 connection with C.T. Case No.173 of 2022, pending in the Court of the learned S.D.J.M., Boudh, arising out of Boudh P.S. Case No.114 of 2022, for alleged commission of offences under Sections 498-A/304-B/406 of IPC read with Section 4 of D.P. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Boudh, by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that since charge-sheet has been filed on 19.09.2022, hence further

continuance of the petitioner who is in custody since 24.05.2022 is unwarranted.

6. It is submitted with vehemence that though the F.I.R. was filed inter alia under Section 302 of IPC after investigation charge-sheet has been filed under Sections 498-A/304-B/406 of IPC read with Section 4 of D.P. Act.

7. Learned counsel for the petitioner also places reliance on the opinion of the doctor who conducted the post mortem, which indicates that the death was due to combined effect of asphyxia and venous congestion, as a result of ante mortem hanging.

8. Learned counsel for the State opposes the prayer for bail relying on the statement of the complainant. It is submitted that the statement clearly makes out the mental agony, which the deceased was subjected to.

9. Perused the statement of the complainant Manoj Kumar Ghantiali, who is the father of the deceased.

10. Taking note that the charge-sheet has already been filed on 19.09.2022 and the cause of death as stated, the statement of the informant, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha