

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10119 of 2022

Anil Kumar Swain

....

Petitioner

Mr. K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.11.2022

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.561 of 2022 pending on the file of learned J.M.F.C., Jajpur Road, arising out of Korei P.S. Case No.126 of 2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Jajpur Road by order dated 21.09.2022 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 4.5.2022 and the charge sheet having been filed on 29.08.2022 and since parents of the Petitioner, in laws, having been released on bail, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail and submits that since the Petitioner is the husband of the deceased he cannot claim parity with other accused.
7. It is apt to note that though the FIR was lodged under Sections 498-A/304-B/302/343 IPC and Section 4 of the D.P Act, after investigation, charge sheet has been submitted, inter alia, under Section 306/304-B IPC and other allied Sections.
8. It is submitted by the learned counsel for the Petitioner that at the relevant time the Petitioner was at Karnataka and it is stated that the entire threat was given over telephone. The same receives corroboration from the statement of Manjulata, Informant, mother-in-law and Udhava, father-in-law, of the present Petitioner (parents of the deceased).
9. Keeping in view the nature of allegation and filing of charge sheet under Section 306 IPC 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

PKS