

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10150 of 2022

Pratap Sahoo

....

Petitioner

Mr. B.B. Routray , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

01.

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

2. The petitioner is an accused in connection with G.R. Case No.1069 of 2022, pending in the Court of the learned S.D.J.M. Talcher, arising out of Kanhia P.S. Case No.124 of 2022 for commission of alleged offences under Sections 498-A/306/304(B)/302/506/323/34 of IPC read with Section 4 of the D.P. Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Talcher, by order dated 26.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioner is in custody since 17.05.2022 and charge sheet has already been filed on 31.08.2022.

5. It is submitted by the learned counsel that though FIR was lodged, inter alia, under Section 498-A/ 306/ 304(B)/ 302/ 506/ 323/ 34 of IPC read with Section 4 of the D.P. Act and charge sheet has been filed, inter alia, under Section 306 of IPC and other allied

sections. It is submitted that further continuance of the petitioner in custody is not warranted.

6. Copy of charge sheet and post mortem report filed by the learned counsel for the petitioner is taken on record.

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

8. Perused the post mortem report which indicates that the cause of death is asphyxia due to hanging.

9. Learned counsel for the petitioner place reliance on the statement of independent witnesses Tikan Sahoo and Arjun Naik who stated that on the fateful day there was altercation between the present petitioner and his wife on account of the wife not getting her mangla sutra. It is on record that the petitioner was in habit of drinking and picking up quarrel with his wife without any rhyme or reason.

10. Considering the nature of allegations and filing of charge sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi