

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10222 of 2022

Sk. Asgar

....

Petitioner

Mr. B.N. Satapathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and the learned counsel for the State.
3. The Petitioner is an accused in C.T Case No.105 of 2022 pending on the file of learned Addl. Sessions Judge, Kujang, arising out of Erasama P.S. Case No.163 of 2022, for commission of offence under Sections 498-A/302/304-B/34 IPC and Section 4 of the D.P Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Kujang by order dated 13.10.2022 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 04.05.2022 and as charge sheet has been filed on 03.08.2022, his further continuance in custody is not

warranted. It is submitted with vehemence that though F.I.R. was filed under Sections under Sections 498-A/302/304-B/34 IPC and Section 4 of the D.P Act but after investigation, charge sheet has been filed under Sections 498-A/304-B/306/406/34 IPC and Section 4 of the D.P Act. Therefore, there is no justification for further incarceration of the Petitioner.

6. Learned counsel for the State opposes the prayer, inter alia, on the ground that there are materials on record to show that the deceased was subjected to harassment and in this context, he relies on the statement of the independent witness Ghanasama Mandal.

7. Taking into account the post-mortem report which indicates that the death was caused due to suicidal hanging and there being no corresponding injury relating to the allegation of physical abuse, as stated by the independent witness, 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.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS