

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10243 of 2022

Chinmaya Barik

....

Petitioner

Mr. S. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

03.

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.142 of 2022, pending in the Court of the learned Additional District & Sessions Judge, Nimapara, arising out of Gop P.S. Case No.78 of 2022, for alleged commission of offences under Sections 498A/304B/306/34 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, Nimapara, by order dated 28.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 05.03.2022 and charge-sheet has been filed on 27.06.2022, hence further continuance of the petitioner in custody is unwarranted.

5. It is submitted by the learned counsel for the petitioner that the FIR was alleged under Sections 498A/302/304B/34 of IPC read with Section 4 of the D.P. Act, after investigation, charge-sheet has been filed under Sections 498A/304B/306/34 of IPC read with Section 4 of the D.P. Act.

6. It is further submitted by the learned counsel for the petitioner that the allegations of torture are omnibus in nature.

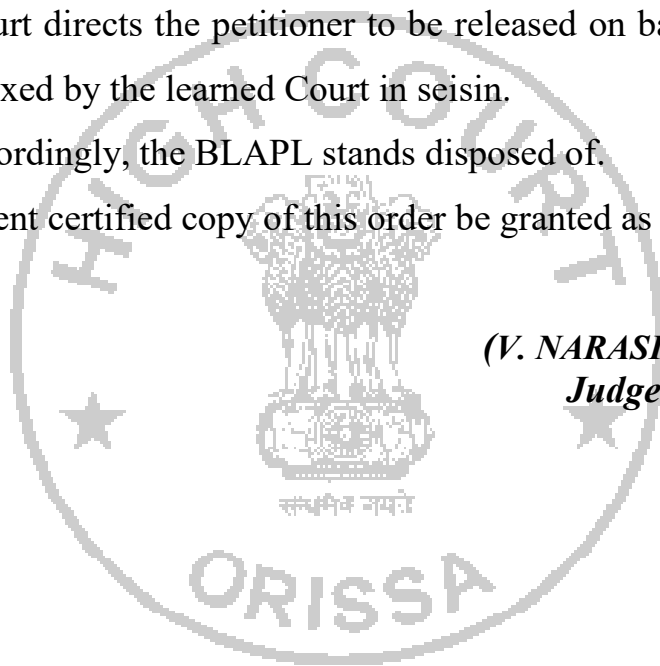
7. Learned counsel for the State opposes the prayer for bail.

8. Considering the filing of charge-sheet under Section 306 of IPC, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge