

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10506 of 2022

Sarat Kumar Singh @ Kalia

Petitioner

Mr. P.R. Singh, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

Order No.

02.

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

2. The petitioner is an accused in G.R. Case No.1021 of 2022, pending in the file of learned S.D.J.M., Dhenkanal, arising out of Dhenkanal Sadar P.S. Case No.354 of 2022, for commission of alleged offences under Sections 498(A) & 306 of the IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Dhenkanal by order dated 30.9.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that petitioner is in custody since 17.08.2022 and charge sheet has been submitted on 29.08.2022 inter alia under Section 306 of IPC, further continuance of the petitioner in custody is not warranted.

5. Learned counsel for the petitioner has placed on record the statement of one Jharana Pattnaik-complainant.

6. And, the learned counsel for the State has relied on the statement of witness Srimati Singh who is the mother-in-law of the deceased and the mother of the present petitioner.

7. The statement of Jharana Pattnaik clearly states that the deceased was systematically subjected to torture since the couple were not blessed with any children. In fact it is the statement that about two years before the fateful incident, her leg was broken by the petitioner for which she stayed for two months with the informant.

8. The statement of the mother-in-law of the deceased lends credence to such allegation. It is further on record that on being asked the deceased told that not being able to sustain the assault by the husband and the insults inflicted, she has committed suicide.

9. Taking into account the manner in which deceased was tortured which ultimately drove her to end her life, the conscience of this Court is shocked and is not persuaded to consider this bail application at this stage.

10. Accordingly, the BLAPL stands rejected.

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

(V. NARASINGH)
Judge

Santoshi