

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 10624 of 2022**

***Debashis Mirdha***

....

***Petitioner***

Mr. P.C. Jena, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. K.K. Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**20.12.2022**

**Order No.**

**02.**

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

2. The petitioner is an accused in connection with C.T. Case No.446 of 2021, pending in the file of the learned Grama Nyayalay-cum-J.M.F.C., Bhograi, arising out of Bhograi P.S. Case No.139 of 2021, for alleged commission of offences under Sections 306/294/34 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Jaleswar, by order dated 01.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is alleged that the present petitioner had relationship with the informant's daughter since long. On 14.05.2021, it is stated that the present petitioner and the informant's daughter were found talking alone in her house, at this they were restrained in the house of the informant and the father of the present petitioner was

intimated, but before his father could arrive, it is alleged that the petitioner was fled away, thereafter the matter was placed before the village gentries, who decided that marriage will be solemnized between the present petitioner and the daughter of the informant after she attains marriageable age.

5. It is alleged that subsequently the family members of the petitioner abused the daughter of the informant in filthy language and also backed out from the promise of marriage. Being overcome by grief, the daughter of the informant committed suicide.

6. It is submitted by the learned counsel for the petitioner that he has no role in the unfortunate incident and since investigation has progressed substantially and all other co-accused have been released on bail by this Court by order dated 16.07.2021 in BLAPL No.5369 of 2021, further continuance of the petitioner in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the present petitioner is the root cause for which the deceased had to end her life under tragic circumstances. Hence, he ought not to be released on bail during the currency of investigation.

8. Taking note of the circumstances under which the deceased ended her life and the nature of allegation qua the petitioner and the release of the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Additionally it is directed that the petitioner shall appear before the Investigating Officer once every week till submission of final form.

10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

**(V. NARASINGH)**  
**Judge**

*Ayesha*

