

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10729 of 2022

***Santosh Kumar Nahak &
another***

....

Petitioners

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
21.12.2022**

Order No.

02. 1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are accused in G.R. Case No.378 of 2022 pending on the file of learned J.M.F.C., Purushottampur, arising out of Purushottampur P.S. Case No.403 of 2022.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C by the learned Addl. Sessions Judge, Chatrapur, Ganjam by order dated 03.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the Petitioners submits that the Petitioners are in custody since 23.07.2022 and as charge sheet has been filed since 14.09.2022, their further continuance in custody is not warranted.
5. It is further submitted that though FIR was filed under Sections 498-A/302/304-B/34 PC and Section 4 of the D.P Act but

after investigation, charge sheet has filed under Sections 498-A/304-B/306/406/34 PC and Section 4 of the D.P Act. Hence, the Petitioners seek release on bail.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that there are materials on record to show that the victim was subjected to harassment on regular basis on account of demand of dowry and hence, merely because charge sheet has been filed under Section 306 IPC, keeping in view the allegation under Section 498-A/304-B IPC and Section 4 of the D.P Act, the Petitioners ought not to be released on bail.

7. This Court perused the post-mortem report as well as the certified copy of the statement of the witnesses filed by the learned counsel for the Petitioners, which is taken on record.

8. It is borne out from the record that the Petitioner No.1-husband is a physically disabled person which is borne out from the statement of Santosh Nahak, who is the brother-in-law.

9. Taking note of the same and filing of the charge sheet under Section 306 IPC, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS