

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10838 of 2022

Naresh Kumar Behera

....

Petitioner

Mr. M. Acharya, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.956 of 2022, pending on the file of learned J.M.F.C. Aska, arising out of Aska P.S. Case No.472 of 2022, for commission of alleged offences under Section 498-A/304-B/306 of IPC and under Section 4 of the D.P. Act and is in custody since 09.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Aska by order dated 27.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that it is on record that the petitioner had gone to earn his livelihood to Gujarat and returned to his home on 05.08.2022. Thereafter, there

was an altercation with his wife and unfortunately, she committed suicide on the next day, early hours of 06.08.2022. It is stated that as charge sheet has already been filed, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State submits that there are allegations which clearly make out a case under Section 498-A of IPC and as the deceased was driven to commit suicide, petitioner being the husband is primarily responsible and merely because investigation has been concluded, he ought not to be released on bail.

7. It is seen that the informant is the brother of the deceased.

8. Considering the recitals in the FIR and the statement on record, the background in which the deceased committed suicide and perusing the post-mortem report which reveals that there are no external injuries over the body of the deceased, this Court is persuaded to direct the release of the petitioner on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi