

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10091 of 2021

Raju @ Rajesh Khatua

....

Petitioner

*Mr. Partha Sarathi Nayak,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. A. Pradhan,
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
19.01.2022**

**Order No.
01.**

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 30.08.2021 in connection with Balasore Sadar P.S. Case No. 296 of 2021 corresponding to C.T. Case No. 767 of 2021 pending in the court of learned J.M.F.C. (R), Balasore for the alleged commission of offence under Sections 498(A)/294/307 of IPC.
4. It is submitted by learned counsel for the petitioner that the incident arose out of a sudden quarrel and there was never any intention on the part of the petitioner to kill his wife.
5. Learned Additional Standing Counsel for the State, on the other hand, has submitted that the plea taken by the accused

regarding sudden quarrel is not borne out from the materials on record and that there is a history of physical and mental torture in connection with demand for dowry prior to the incident.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that charge sheet has already been submitted, I find no justified reason to detain the petitioner in custody any longer. The bail application is therefore allowed. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:

- i. he shall not threaten, coerce or pressurize the victim in any manner whatsoever and;
- ii. he shall personally appear before the trial court on each date of posting of the case, failing which it shall be open to the trial court to pass such adverse orders as it may deem fit and proper in the circumstances of the case.

7. The BLAPL is accordingly disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

B.C. Tudu

