

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10632 of 2021

Jitendra Sethy

.... ***Petitioner***
M/s. B.K. Bal, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s. D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

05.09.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Derabish P.S. Case No.184 of 2021 corresponding to G.R. Case No.2076 of 2021 pending in the Court of learned S.D.J.M., Kendrapara for commission of offence punishable U/Ss. 498-A/302/304-B/34 of I.P.C. read with Section 4 of D.P. Act.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside the custody since 5.9.2021 and the deceased having committed suicide without any involvement of the petitioner, he (the petitioner) may kindly be released on bail.
4. On contrary, learned counsel for the State, however, vehemently contends that the deceased having died within two months of her marriage with the petitioner and there being allegation against the petitioner for subjecting the deceased to torture, the petitioner should not be enlarged on bail.

5. Considering the nature and gravity of allegations and taking into consideration the post mortem report wherein the doctor has opined about the cause of death to be ante mortem hanging and is suicidal unless proved otherwise and regard being had to the nature, gravity and strength of supporting materials and the pre-trial detention of the petitioner since 5.9.2021 and keeping in view about no material being placed on record to indicate about the petitioner accused tampering the evidence or absconding, this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge