

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

**BLAPL No.11001 of 2021**

***Sunil Kusaliya @ Sunil Kusalia*** ..... ***Petitioner***  
*Mr. Bijaya Kumar Behera, Advocate*

*-versus-*

***State of Odisha*** ..... ***Opposite Party***  
*Mr. A.K. Praharaj, ASC for State*

**CORAM:**  
**JUSTICE A.K.MOHAPATRA**

**ORDER**  
**29.06.2022**

**Order No.**

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Nayapalli P.S. Case No.276 of 2021, corresponding to C.T. Case No.3135 of 2021, pending in the file of learned 4<sup>th</sup> Addl. Sessions Judge, Bhubaneswar vide C.T. Case No.95 of 2021, for commission of alleged offences under Sections 498-A/306 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The brief facts of the case, in a nutshell, is that the Informant reported the matter before the police station with an allegation that the daughter of the Informant had married to the Petitioner out of love relationship. The further case is that after six months of marriage, the daughter of the Informant intimated to the Informant

over telephone that the Petitioner has some extra marital affairs and subsequently alleged that the Petitioner was giving physical and mental torture to the daughter of the Informant. It is also alleged that on 01.06.2021, on neighbor of the Petitioner intimated to the Informant about the death of the Informant.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 03.06.2021. It is further submitted that police after completion of investigation has filed charge-sheet against the Petitioner. The further submission is that Petitioner is an innocent person and he has been falsely implicated in the present case. It is also stated that Petitioner is a law abiding citizen and resides in the district of Khurda, therefore, there is no chance to evade the trial of the case.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that serious allegation has been made against the Petitioner. Therefore, no leniency should be shown to the Petitioner. Accordingly, he prays for rejection of his bail application.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as would be deemed fit and proper by the trial court.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

**(A.K. Mohapatra)**  
**Judge**

U.K.Sahoo

