

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12660 of 2022

Kesab Behera

.... Petitioner

Mr. K. Behera, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. Arupananda Das

Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
23.12.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with G.R. Case No.341 of 2022 arising out of Purusottampur P.S. Case No.366 of 2022 pending in the Court of learned J.M.F.C., Purusottampur for offences punishable under sections 498-A/304-B/306/34 of the Indian Penal Code read with section 4 of the D.P. Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Chatrapur, Ganjam, which was rejected on 05.12.2022.

Learned counsel for the petitioner submitted that the petitioner is the father-in-law of the deceased Rosy Behera and he is in judicial custody since 02.07.2022 and charge sheet has been submitted under sections 498-A/304-B/306/34 of the Indian Penal Code and section 4 of the D.P. Act. He further submitted that the marriage of the deceased with the son of the petitioner, namely, Tutu Behera was solemnized on 21.08.2020 and they were having no issue and on 30.06.2022, the deceased committed suicide and the post mortem report indicates that the cause of death was due to combined effect of venous congestion and asphyxia as a result of ante mortem hanging. It is further submitted that in absence of specific overt act alleged against the petitioner, the bail application of the petitioner may be favourably considered. Learned counsel for the petitioner has annexed the police paper to the bail application.

Learned counsel for the State has placed the statements of the witnesses and opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the surrounding circumstances under which the deceased committed suicide, the post mortem report findings and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on

bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction for the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.



RKM