

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12804 of 2022

Jaga Santa and others

.... ***Petitioners***
Mr. T.K. Mishra, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. M. Mishra, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
23.12.2022

Order No.

01. 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 Petitioners for grant of bail in connection with Jharigoan P.S. Case No. 138 of 2020 corresponding to G.R. Case No. 462 of 2020 pending in the file of learned J.M.F.C., Umerkote for commission of offences punishable U/Ss. 384/294/506/323/306/34 of IPC, on the allegation of assaulting the deceased as well as abusing and threatening him so also imposing fine on him in a village meeting causing humiliation and abetting the commission of his suicide.
3. In the course of hearing of the bail application, Mr. T.K. Mishra, learned counsel for the Petitioners submits that the deceased had misbehaved one girl of his village and accordingly, a meeting was held in the village in which the deceased was imposed with fine of Rs. 25,000/- out of which the deceased paid Rs. 4,000/-, but subsequently the deceased committed suicide for reason best known to him. It is further submitted that the Petitioners have never contributed for the commission of suicide of the deceased and thereby, they cannot be implicated for abetment of commission of suicide of the victim. It is submitted that after closure of investigation, charge-sheet has already been placed but the Petitioners are languishing in jail custody. On the aforesaid grounds, learned counsel

prays to grant bail to the Petitioners.

4. On the other hand, Mr. M. Mishra, learned A.S.C., however, strongly opposes the bail application of the Petitioners.

5. Considering the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioners as well as the surrounding circumstances in which the deceased committed suicide and keeping in view the object of the bail to be neither punitive nor preventive, rather protecting the personal liberty of an individual and regard being had to the principle that bail is the rule, but jail is the exception, this Court admits the Petitioners to bail.

6. Hence, the prayer for the bail of the Petitioners stands allowed and the Petitioners are allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the Petitioners shall attend the trial Court on each date of posting without fail unless their attendance are dispensed with and that the Petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on Sunday in between 10A.M. to 12 Noon for three months from the date of their actual release from the custody. The I.I.C., of jurisdictional Police Station shall not detain the Petitioners unnecessarily after recording their attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

