

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11628 of 2021

Narayan Sethi

.... ***Petitioner***
Mr. N. Sahani, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
13.09.2022

Order No.

- 03.
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 Khaira P.S. Case No.156 of 2021 corresponding to C.T. Case No. 576 of 2021 pending in the Court of learned J.M.F.C., Soro for commission of offences punishable under Section 498-A/304-B/302/34 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 jail custody since 17.07.2021 and in the meanwhile, all the co-accused persons have been granted bail. It is further submitted that charge has already been framed in this case with examination of one witness and the post mortem report of the deceased discloses that the cause of death is asphyxia as a result of ante mortem hanging and the petitioner thereby is no way connected with the crime and the deceased had committed suicide for reason beyond the knowledge and control of the petitioner. On these grounds, learned counsel for the petitioner prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State, however, strenuously contends that the petitioner being the husband of the deceased cannot be equated with co-accused persons released on bail and the petitioner having prima facie involved in this case by killing the deceased by way of throttling of neck, the benefit of discretion U/S. 439 of Cr.P.C. shall not be extended to the petitioner and his bail application should be rejected.

5. Considering the nature and gravity of allegations levelled against the petitioner and taking into consideration the pre-trial detention of the petitioner since 17.07.2021 and the cause of death of the deceased due to asphyxia on account of hanging as mentioned in post-mortem report and taking into consideration the nature and strength of supporting materials and the circumstance of the death of the deceased and release of co-accused persons on bail, this Court feels it proper to admit the petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- each with two solvent sureties each 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 petitioner shall attend the trial Court on each date of trial without fail unless his attendance is dispensed with by the learned trial Court and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge