
(2006) 12 OHC CK 0016
In the Orissa High Court

Laxmidhar Behera

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 08-12-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 302, 34

Citation : (2007) CLT 383 (Suppl Crl) : (2007) 1 OLR 224 : (2007) OLR 383 (Suppl Crl)

Hon'ble Judges : L. Mohapatra, J

Bench : Single Bench

Judgement

L. Mohapatra, J.—This is the second journey of the petitioner to this Court for grant of bail. The petitioner had earlier moved before submission of charge sheet vide BLAPL No. 8599 of 2006 and by order dated 18.9.2006 the petition was rejected with liberty to the petitioner to move afresh after submission of charge sheet. Charge sheet was submitted on 19.10.2006 for commission of offences under Sections 302/120-B/34 of the Penal Code. The petitioner has moved this application again for grant of bail.

2. Heard learned Counsel for the petitioner, learned Counsel for the State and learned Counsel for the informant. Perused the case diary.

3. It is alleged in the F.I.R. that the informant was staying with her son Sridhar and was separated from her husband. Six months prior to the incident, she had gone to attend a religious function in her husband's house where she met the petitioner who is her brother-in-law. It is alleged that the marriage of the son of the informant having been fixed, the petitioner had threatened that if his daughter and son-in-law are invited in the marriage, Sridhar will be killed. The day before the marriage the deceased Sridhar had left home at about 10.00 P.M. and his dead body was found at about 11.00 P.M. Suspecting a hand of the petitioner in death F.I.R. was lodged and accordingly, the petitioner was taken to custody.

4. The only material available from the F.I.R. as well as statements of witnesses is that prior to the marriage of the deceased the petitioner had threatened the informant that her son will be killed. If the statement of the co-accused is also taken into consideration, it will be found that at best offence u/s 120-B of the Indian Penal Code may be made out against the petitioner. The petitioner has remained in custody since July, 2006 and charge sheet having been submitted, the prayer for bail is allowed and it is directed that the petitioner be released on bail by the learned S.D.J.M., Athagarh in C.T. Case No. 239 of 2006 corresponding to Tigiria P.S. Case No. 60 of 2006 on such terms and conditions as the learned S.D.J.M. may deem just and proper.

5. The BLAPL is disposed of.

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