

(2023) 08 OHC CK 0125

In the Orissa High Court

Case No : Bail Application No. 8299 Of 2023

Raju @ Raj Kishore Mallik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 18-08-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 306, 406, 498A

Citation : (2023) 08 OHC CK 0125

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A. Tripathy, T.K. Praharaj

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in G.R. Case No.65 of 2023 pending on the file of learned J.M.F.C., Khandapada, arising out of Khandapada P.S. Case No.66 of 2023 for commission of the alleged offence under Sections 498-A/306/406/34 IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Asst. Sessions Judge, Khandapada by order dated 18.07.2023 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 5.4.2023 and charge sheet has been filed on 21.06.2023.
5. Referring to the statement of the independent witness, namely, Jayanti Mallick, C.W.7, it is submitted that due to altercation the deceased committed suicide and the post-mortem report does not reveal any external injury other than one connected with the allegation relating to Section 306 IPC. Hence,

further continuance of the Petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail and submits that because of continuous harassment the deceased took the ultimate step and the Petitioner being the husband ought not to be released on bail.

7. It is borne out from the record that the Petitioner has a son aged about 2 years.

8. Keeping in view the welfare of the child, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. The BLAPL thus stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

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