

(2023) 07 OHC CK 0076

In the Orissa High Court

Case No : Bail Application No. 4015 Of 2023

Ram Chandra Padhy @ Rama Chandra Padhy

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 11-07-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 294, 307,323, 341, 498A, 506

Dowry Prohibition Act, 1961 — Section 4

Citation : (2023) 07 OHC CK 0076

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : P. Nayak, P.K. Maharaj

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.409 of 2022 pending on the file of learned S.D.J.M., Gunupur arising out of Padmapur P.S. Case No.121 of 2022 for commission of offence alleged under Sections 498-A/341/323/307/294/506/34 IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Gunupur by order dated 31.03.2023 in the aforementioned case, the present BLAPL has been filed.

4. This is the second journey of the Petitioner to this Court. His earlier bail application was rejected by order dated 21.02.2023.

5. It is submitted by the learned counsel that the Petitioner is in custody since 29.10.2022 and charge sheet has been filed on 26.12.2022.

6. It is the further submission of the learned counsel that since charge sheet has

already been filed and the victim-wife has been discharged from the hospital, the Petitioner may be released on bail.

7. Learned counsel for the State has placed the statement of the victim Rashmita Panigrahi @ Padhy, C.W.3.

8. Taking note of the condition of the victim, her dying declaration was recorded but by sheer providence she survived. From the tenor of the statement it is clearly borne out that the Petitioner is responsible for setting his wife on fire.

9. On perusal of the medical examination report of the Petitioner it is seen that there is nothing to show that the Petitioner has suffered any injury corresponding to burn and it falsifies the assertion that the Petitioner in fact tried to save his wife. The materials on record also do not lend credence to the submission of the learned counsel for the Petitioner that the burn injury of his wife is self-inflicted.

10. Taking note of the manner in which the victim suffered burn injuries to the extent of 63%, this Court is not inclined to entertain this bail application and also since there is no change in circumstances.

11. The BLAPL is accordingly disposed of.

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