

BLAPL No. 3613 of 2018

03 31.07.2018

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Aul P.S. Case No. 19 of 2018 corresponding to G.R. Case No.43 of 2018 pending in the Court of learned J.M.F.C., Aul for offences punishable under sections 498-A/306 of the Indian Penal Code.

The petitioner moved an application for bail before the learned Asst. Sessions Judge, Pattamundai which was rejected on 21.05.2018.

Learned counsel for the petitioner submits that the petitioner is the husband of the deceased Gitanjali Barik and he is in judicial custody since 09.02.2018 and charge sheet has been submitted under sections 498-A/306 of the Indian Penal Code. He further submits that the petitioner and the deceased were in love and they got married eight years prior to the date of occurrence and they were blessed with three minor daughters and on 07.02.2018 due to domestic quarrel, the deceased committed suicide and the cause of death as per the post mortem report is asphyxia due to hanging which has been opined to be suicidal in nature and no other external injury except the ligature mark around the neck was noticed on the person of the deceased. He further submits that there is no clinching material relating to abetment of commission of the suicide of the deceased by the petitioner and therefore, the bail application may be favourably considered.

Learned counsel for the State on the other hand has produced the case diary and placed the statements of the parents of the petitioner namely Madhabananda Barik and Kandha Barik who have stated that the petitioner was a barber and he used to take liquor and assault the deceased and on the fateful day also, the quarreled with the deceased in a drunken state and the deceased was found hanging inside her bed room at a later stage.

Considering the submissions made by the learned counsels for the respective parties, the nature of accusation against the petitioner, the time gap between the date of marriage and date of death, post mortem report finding, the surrounding circumstances under which the deceased committed suicide and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000.00 (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

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The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

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S.K.Sahoo,J.

