

Ajit Patra ... **Petitioner**

-Versus-

State of Odisha ... **Opp. party**

03. 31.03.2021 This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

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

This is an application for bail under section 439 of Cr.P.C. in connection with Bonai P.S. Case No.97 of 2020 corresponding to G.R. Case No. 393 of 2020 pending in the file of learned S.D.J.M., Bonai for alleged commission of offences under sections 498-A and 306 of the Indian Penal Code.

The prayer for bail of the petitioner was rejected by the learned Addl. Sessions Judge, Bonai vide order dated 03.02.2021.

Learned counsel for the petitioner submitted that the petitioner, who is the husband of the deceased Salmi Kerketa, is in judicial custody since 22.07.2020 and he has been charge sheeted under sections 498-A and 306 of the Indian Penal Code. It is further submitted that the marriage between the petitioner and the deceased took place four years prior to the date of occurrence and they were blessed with one daughter. Learned counsel for the

petitioner placed the relevant part of the charge sheet and submitted that the deceased fell in love with the petitioner and both of them got married without any intimation to their respective family members. It is further submitted that out of their wed-lock, one daughter was born, but the petitioner, who is a driver by profession, was addicted to liquor for which the petitioner picked up quarrel with the deceased on silly matters and remained absent from the home for long time. Learned counsel further submitted that the deceased was always suspecting the petitioner to have illicit relationship with other women for which there were dissensions between the couple. It is further submitted that on 20.07.2020 the deceased picked up quarrel with the petitioner, for which the petitioner left the home and returned on the next day and on reaching the home, he found that his wife (the deceased) was struggling for life due to consumption of poison and on being asked by the petitioner, the deceased told him that she consumed oleander seeds for committing suicide and thereafter, the petitioner shifted the deceased to Sub-divisional Hospital, Bonai for treatment, but during the course of treatment, she expired. Learned counsel further submitted that in view of the materials available on record, it cannot be said that the petitioner abetted the commission of suicide of the deceased and therefore, the bail application of the

petitioner may be favourably considered.

Learned counsel for the State, on the other hand, produced the case diary, opposed the prayer for bail and placed the statement of Dhara Patra, the neighbour and also placed the post mortem report, which does not indicate any external injury on the person of the deceased.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, surrounding circumstances under which the deceased attempted to commit suicide, conduct of the petitioner in shifting the deceased to the hospital to save her life 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 a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

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S.K. Sahoo, J.

PKSahoo