



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1004 of 2024

CNR- ODHC010733222024

Jayanta Kumar Sahoo

....

**Appellant/
Petitioner**

Represented by Adv.-
Mr. Bekraj Keshari Raj,
Advocate

-versus-

State of Odisha

....

**Respondent/
Opp. Party**

Represented by Adv.-
Mr. Aurobinda Mohanty, ASC

CORAM:

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

14.08.2026

Order No.

10.

I.A. No.2529 of 2024

1. This is an application for bail.
2. Heard Mr. Bekraj Keshari Raj, learned counsel appearing for the appellant and Mr. Aurobinda Mohanty, learned Additional Standing Counsel appearing for the State.
3. The present appeal has been filed by the appellant assailing the judgment of conviction and order of sentence dated 26.09.2024 passed by the learned Additional District & Sessions Judge, Athagarh in S.T. Case No.38 of 2023, whereby the appellant has been convicted for the offence punishable under



Section 306 of the IPC and sentenced him to undergo R.I. for five years and to pay a fine of Rs.50,000/- (Rupees fifty thousand), in default, to undergo further R.I. of one year for the offence U/S. 306 of IPC.

4. The prosecution case, in brief, is that on 18.10.2015, the informant's son, Nirakara Sahoo, committed suicide in front of the Secretariat, Bhubaneswar. It was alleged that accused Pujarani Sahoo, wife of accused Jayanta Sahoo, had taken Rs.50,000/- from Nirakara, which was meant for his college fees, and subsequently refused to repay the same. When repayment was demanded, she allegedly conspired with the other accused persons to implicate him in false cases and threatened him, stating that a case had already been lodged against him at Khuntuni P.S. Feeling humiliated, Nirakara allegedly committed suicide. On the basis of the informant's written report, Khuntuni P.S. Case No.146 dated 20.10.2015 was registered for offences under Sections 306 and 506 read with Section 34 of the I.P.C.

5. Learned counsel for the appellant, by drawing the attention of this Court to paragraph-17 of the impugned judgment submitted that the finding of the trial court is perverse and devoid of record, however the conviction is primarily based on such findings. Paragraph-17 of the judgment reads as under:



"17. Now it is seen that there is allegation against all the accused persons which are omnibus in nature. No specific allegations against any particular accused was made except the accused Jayanta Sahoo and Puja. But the circumstances shows that accused Puja has relationship with the deceased and she has eloped with him to Bhubaneswar and subsequently after police complaint by accused Jayanta, she was taken back from Bhubaneswar made severe hurt to the deceased to which he could not tolerate. Admittedly due to conduct of the accused Puja and the deceased the reputation of the deceased and his family was diminished which is also one of the cause to commit suicide. The above disgrace was caused by the accused Puja to some extent as she was the partner in their illicit relationship. However, she was also arrayed as an accused after the deceased committed suicide. But it is never appearing that she could have anticipated any such extreme step taken by the deceased in ordinary sense. It never appears if she had any intention to commit any torture or harassment or to instigate the deceased to commit suicide. She is at a different footing than her husband and the other accused persons. It is only her husband who is solely responsible as he foisted a case against him and thereafter by engaging others tortured him so that the deceased out of shame and fear could not return back to his village and committed suicide. It is obvious that the accused husband Jayanta without ascertaining the real fact unilaterally implicated the deceased in a criminal offence alleging kidnapping to his wife. Although the wife of the accused Jayanta voluntarily gone away with the deceased with her consent but her husband falsely defamed the deceased as to have kidnapped his wife which admittedly diminished the prestige and social status of the deceased at his village. The deceased appears to be a sensitive boy who became the victim of the irresponsible circumstance created by the accused Jayanta. Although the accused Jayanta may not have intended to cause his death, but the circumstances which he created instigated the deceased to commit suicide for which he will be held liable for



abatement for his suicide. Although the learned defence counsel contended that the accused cannot reasonably foresee the step taken by the deceased who has approached the police or other in a genuine ground of kidnapping of his wife, but without going through the real facts the accused appears to have hastily and negligently made false accusations against an innocent boy, which under normal circumstance can cause acute mental harassment which may compel a sensitive boy to commit suicide. Hence, the accused will be held liable for the same but except the accused Jayanta, no direct nexus of the other accused persons are appearing beyond all reasonable doubt for which due to want of sufficient evidence, the other accused persons cannot be held guilty all reasonable doubt. But the involvement of the prime accused i.e. the Jayanta Sahoo is well established thorough circumstantial evidence for which he will be solely liable for the suicidal death of the deceased. Further the circumstances does not establish any direct evidence regarding any criminal intimidation for which the accused persons cannot be held liable for the offence U/S. 506 of the I.P.C."

He further submits the trial court disbelieved the same set of evidence vis-à-vis other co-accused person and acquitted them.

6. Mr. Aurobinda Mohanty, learned Additional Standing Counsel appearing for the State did not oppose the prayer for bail in view of the nature of evidence available on record.

7. Regard being had to the nature of the evidence and the period of custody of the appellant for more than two years, I am inclined to grant bail.



Hence, the appellant be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned trial Court. The learned trial Court shall also impose the additional conditions as deemed fit and proper in the facts and circumstances of the case.

8. Violation of any of the terms and conditions shall entail cancellation of the bail.

9. Accordingly, the I.A. is disposed of.

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

(Sibo Sankar Mishra)
Judge

Subhasis

Signature Not Verified

Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 17-Aug-2026 20:27:58

