

IN THE HIGH COURT OF ORISSA AT CUTTAC
BLAPL NO.122 OF 2020

Suresh Sahoo

.... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH
ORDER
12.10.2022

Order No.
04.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This is the second journey of the Petitioner in filing this application under Section-439 of the Cr.P.C. who is in custody in connection with Korei P.S. Case No.237 of 2019 corresponding to C.T. Case No.1462 of 2019 pending on the file of the learned J.M.F.C., Jajpur running for commission of offence under section-498-A/323/307/326/302/34 of the IPC for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submits that the Petitioner being the husband of the deceased having been arrested in the case is in custody since 13.10.2019. He further submits that as per the prosecution case, the deceased on one hand and her parent-in-laws on the other were not in good terms for some family dispute and then it is alleged that the Petitioner and his parents have dowsed the deceased with kerosene, when she had gone to the backside of the house and lighted the matchstick. He further submits that so called dying declaration, which is projected as the material against the Petitioner under the circumstance that the deceased was having dispute with the members of the family can be said to have been actuated from that. It is further submitted that the

Petitioner is having two daughters and for such long detention of the Petitioner in custody, his daughters are not being properly taken care of and for that now they need the presence of the Petitioner at home for them to continue further. He submits that in the meantime, the mother-in-law of the deceased has been released on bail and the trial is also not expected to be completed so soon. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence; he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move. According to him, on the face of the dying declaration recorded by the doctor in presence of others wherein this Petitioner has been implicated to be the author of the crime, it is not a fit case for grant of bail to the Petitioner. He however does not dispute that the mother of the Petitioner is on bail and that the Petitioner has been in custody from 13.10.2019, when the trial is still going on.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. he shall appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial;
2. shall not threaten or terrorize the prosecution witnesses in any manner; and

3. shall not leave the jurisdiction of the Court in seisin of the case till conclusion of trial.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

