

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 597 of 2022

**Balunkeswar Samantray
@ Sethi @ Bapi @
Balunkeswar Prasad
Samantray**

.... Petitioner

Mr.D. Das, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr.J.P. Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

22.04.2022

01. 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 under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Choudwar P.S. Case No.114 of 2017 corresponding to G.R. Case No.506 of 2017 pending in the Court of learned Sessions Judge, Cuttack for alleged commission of offences under sections 498-A/307 of the Indian Penal Code read with section 4 of D.P. Act.

Learned counsel for the petitioner submitted

that the petitioner is in judicial custody since 13.04.2020 and he has been charge sheeted under sections 498-A/302 of the Indian Penal Code and section 4 of the D.P. Act and when the petitioner approached this Court last time in BLAPL no. 3413 of 2021, the same was rejected and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the learned trial Court. It is further submitted that till date thirteen witnesses have been examined and the important witnesses are the informant (P.W.1) and her son (P.W.6) and they have not supported the prosecution case and therefore, the bail application may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Perused the evidence copies of P.W.1 and P.W.6.

Considering the submissions of the learned counsel for the respective parties, the nature of accusation against the petitioner, the change in the circumstances after rejection of the earlier bail application and further taking into account the period of detention of the petitioner in judicial custody and since the informant and her son have not supported the prosecution case, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the

aforesaid case on furnishing 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 such other conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be issued as per Rules.

(S.K. Sahoo)
Judge



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