

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.772 of 2021

Bangura @ Pratap Kumar Petitioner
Rout

Ms. Bini Mishra, Advocate

-versus-

State of Odisha Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

*Mr. P. Panigrahi, Advocate for
the informant*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

14.12.2022

Order No.

17. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This is an application under section 439 of Cr.P.C. in connection with Bhuban P.S. Case No.318 of 2019 corresponding to C.T. (SS) Case No.16 of 2021 pending in the Court of learned Additional Sessions Judge, Kamakhyanagar for offences punishable under sections 498-A/302/304-B/506/34 of the Indian Penal Code and section 4 of the D.P. Act.

The petitioner moved an application for bail

before the Court of learned Additional Sessions Judge, Kamakhyanagar which was rejected on 11.01.2021.

Learned counsel for the petitioner submitted that the petitioner is the husband of the deceased Banita Parida and he is in judicial custody since 25.11.2019 and the earlier bail application of the petitioner in BLAPL No.3146 of 2020 was disposed of as withdrawn on 04.11.2020. It is further submitted that out of thirty eight charge sheet witnesses, thirteen witnesses have been examined and at this stage, there is no chance of tampering with the evidence and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that P.Ws.3, 4, 5 and 6 have supported the prosecution case and moreover, the doctor, who conducted the post mortem was examined as P.W.7 and he opined that the cause of death of the deceased was asphyxia due to strangulation caused by constriction of neck which caused cardio respiratory failure.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody and the progress of the trial so far, I am inclined to release the

petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim 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 further terms and conditions as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence and he shall appear before the learned trial Court on each date to which the case would be posted for trial. The learned trial Court shall do well to expedite the trial.

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge