

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1021 of 2022

Badal Chandra Naik

....

Petitioner

Mr. P.K. Samantaray, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M. Mishra, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
15.11.2022**

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with C.T. Case No.613 of 2021, which further corresponds to S.T. Case No.49 of 2021 arising out of Karanjia P.S. Case No.189 of 2021 pending in the file of learned Addl. Sessions Judge, Karanjia for commission of offences punishable under Sections 302/201 of IPC, on the allegation of committing Uxoricide and causing disappearance of the evidence.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is the husband of the deceased and he has lodged the FIR, but the police by taking into consideration some extraneous materials such as extra judicial confession and confession of the accused-petitioner has falsely implicated him in this case and the petitioner has also been detained in custody since 05.08.2021 and he has two children in his house in

the age group of nine to thirteen years. It is further submitted by him that the petitioner is a permanent resident of Hatibari under Karanjia P.S. and, thereby, there is no likelihood of his abscondance. Learned counsel for the petitioner under aforesaid submission prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner by inter alia submitting that the present petitioner has been arrested on the basis of admissible evidence of extra judicial confession and leading to recovery of one scarp (chunri) pursuant to the disclosure statement of the petitioner and, thereby, there is a prima facie case against the petitioner for commission of murder of his own wife. It is accordingly prayed by learned counsel for the State to reject the bail application of the petitioner. While praying to reject the bail application of the petitioner, learned counsel for the State has also relied upon the 164 of Cr.P.C. statement of one Deepak Kumar Mahanta.

5. Considering the rival submissions made, nature and character of the accusation, the pre trial detention of the petitioner in custody since 05.08.2021, the nature and character of supporting materials on record and keeping in view the implication of the petitioner on the basis of extra judicial confession and recovery of some chappal pursuant to the disclosure statement of the petitioner and the manner and circumstance of the death of the deceased and further, the fact that no material has been placed on record to indicate that the petitioner would abscond or tamper with the evidence and keeping in view that the nature of allegation referred to in the statement of one Deepak Kumar Mahanta disclosing no direct allegation of uxoricide

and taking into consideration other circumstances in entirety, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday every month in between 10 A.M. to 12 Noon till three months from the date of his release from the custody. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated. It is clarified that the Additional Sessions Judge will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge