

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1028 of 2022

Balaram Gouda

.... ***Petitioner***
M/s. S.Kanungo, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

20.12.2022

Order No.

- 06.
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 Buguda P.S. Case No.174 of 2018 corresponding to S.T. Case No.180 of 2019 pending in the Court of learned Addl. Sessions Judge, Bhanjanagar for commission of offence punishable U/Ss. 498-A/304-B/302/34 of the I.P.C. read with Section 4 of D.P. Act on the allegation of committing murder and dowry death of his wife by subjecting her to torture and cruelty for demand of dowry.
 3. In the course of hearing of the bail application, Mr.S.Kanungo, learned counsel for the petitioner submits that although the petitioner has been detained in custody for more than three years but the trial is yet to be completed and all the allegations levelled against the petitioner are false and frivolous and at the time of occurrence, the petitioner was not present in the house. It is, however, submitted that this is the first journey of the petitioner to this Court and the long

detention of the petitioner in custody impedes his right to liberty and thereby, the petitioner may kindly be granted bail.

4. Mr.P.K.Patnaik, learned AGA, however, vehemently opposes the bail application of the petitioner and he inter alia submits that the opinion of the doctor in the post-mortem report of the deceased itself is sufficient to indicate the cause of death of the deceased to be homicidal in nature and the petitioner being the husband of the deceased shall not be released on bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as well as the surrounding circumstances including the pre-trial detention of the petitioner since 02.05.2019 and commencement of trial and keeping in view the object of bail to be neither punitive nor preventive, rather protecting the personal liberty of an individual and the fact that bail is the rule, but jail is the exception, this Court admits the petitioner to bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released 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 trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case 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. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

