

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1796 of 2022

1. Bhikari Mallik
2. Jagur @ Jamuna Mallik **Petitioners**

Mr.B.R. Mohanty, Advocate

-versus-

State of Odisha **Opp. Party**

Mr.Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

06.05.2022

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

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Bari-Ramchandrapur P.S. Case No. 16 of 2020 corresponding to C.T.(Sessions) Case No. 74 of 2020 pending in the Court of learned Sessions Judge, Jajpur for offences punishable under sections 498-A, 302, 304-B, 406/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The petitioners moved an application for bail before the Court of learned Sessions Judge, Jajpur, which was rejected

on 11.01.2022.

Learned counsel for the petitioners submitted that the petitioners approached this Court for bail in BLAPL No.8817 of 2020, which was rejected as per order dated 17.03.2021. Again petitioner no.1 approached this Court in BLAPL No. 3797 of 2021 for bail and as per order dated 06.08.2021 this Court while rejecting the bail application, directed the learned trial Court to expedite the trial and if possible to conclude the same within a period of six months from the date of framing of charge and the petitioner no.1 was granted liberty to renew his prayer for bail if the trial is not concluded within the said period. Learned counsel further submitted that the petitioners are in judicial custody since 04.11.2020 and out of total seventeen witnesses, only two witnesses have been examined so far and the said two witnesses have not specifically stated anything against the petitioners and the allegations are omnibus in nature. It is further submitted that the husband of the deceased, namely, Rama Mallik has already been released on bail by this Court in BLAPL No.117 of 2021 as per order dated 22.12.2021 and therefore, the prayer for bail of the petitioners may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioners in judicial custody and since the earlier order passed by this Court in BLAPL No. 3797 of 2021 has not been complied with, at this stage, while not inclining to release the

petitioners on bail on merit, I am inclined to release the petitioners on interim bail for a period of three months from the date of release and the petitioners shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioners be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) each 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 that while on interim bail, the petitioners shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, they shall not indulge in any criminal activities and they shall appear before the learned trial Court on each date on which the date would be fixed for trial.

Violation of any 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