

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2106 of 2022

Ramesh Behera

..... Petitioner
Mr.B.C.Ghadei, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr.P.K.Mohanty, ASC

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
09.5.2022

Order No.

- 4.
1. Heard Mr.Ghadei, learned counsel for the Petitioner and Mr.Mohnty, learned Additional Standing Counsel for the State.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner in connection with G.R.Case No.292 of 2018 arising out of Delanga P.S.Case No.131 of 2018 corresponding to S.T.No.8 of 124 of 2019 pending in the court of the learned 2nd Additional Sessions Judge for alleged commission of offence under Section 302/34 of the I.P.C.
 3. It is submitted on behalf of the Petitioner that earlier a case was registered against the deceased by his in-laws members for commission of offences under Sections 302/304B of the I.P.C.

and other offences on the allegation that the deceased killed his wife, who is the daughter of one of the accused persons in the present case, namely, Bhaskar Mantri. The present Petitioner is a co-villager of said Bhaskar Mantri and on the date of occurrence the deceased had visited the house of Bhaskar Mantri to threaten him for withdrawal of the case against him.

4. It is further submitted that the Petitioner is inside custody since 3rd April, 2019 and in the meantime, four witnesses have been examined in course of trial and none of such witnesses have stated anything against the present Petitioner.

5. On the other hand, Mr. Mohanty, learned Additional Standing Counsel for the State submits that the dying declaration of the deceased has been recorded before the Executive Magistrate, who is yet to be examined in course of trial and besides that, there are other materials also against the Petitioner.

6. Having heard both parties and considering the period of detention of the Petitioner inside custody and keeping in view the evidence adduced by P.Ws.1 to 4 and surrounding circumstances of the case, it is directed to release the Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court below in seisin over the matter, including the condition that he shall attend the trial court on each date fixed and shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the court or tamper with the evidence.

7. The BLAPL is disposed of.

8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

