

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2243 of 2022

Jagannath Singh @ Jaga

.... **Petitioner**
Mr. J.K. Majhi, Adv.

- Versus -

State of Odisha

.... **Opp.Party**
Mr. P. Tripathy, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
08.08.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. This is second journey of the petitioner to this Court, his earlier application for bail being rejected as per order passed by this Court in BLAPL No.8624 of 2020. In the meantime some material witnesses have been examined and citing the same as change in circumstances, the petitioner has approached this Court.
4. The petitioner is in custody since 08.06.2020 in connection with Khantapada P.S. Case No.189 of 2020 corresponding to C.T. Case No.484 of 2022 pending in the Court of learned J.M.F.C.(R), Balasore for the alleged commission of offence under Section 302 of IPC.
5. The petitioner is alleged to have killed his wife by repeatedly assaulting her. An FIR was lodged by one Sumitra Singh. The said Sumitra Singh has been examined as P.W.-1. She has not supported the case of the prosecution. The other witnesses, some of whom are close relations of the deceased, have also not supported the case of the prosecution. As such there is no legally

admissible evidence to show the complicity of the petitioner in the alleged occurrence. It would not be proper to detain the petitioner any longer. Bail application is therefore allowed. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case and in case of non-appearance, the trial court shall issue NBW to take him to custody.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge



A.K. Rana