

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2742 of 2022

Raghunath Sahoo

....

Petitioner

Mr. Amitav Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

16.08.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the successive journey of this petitioner, who is in custody in connection with Buguda P.S. Case No.259 of 2017 corresponding to S.T. Case No.56 of 2018 pending in the Court of the learned Additional Sessions Judge, Bhanjanagar for offence punishable under sections 498(A)/304(B)/302/201/406/34, I.P.C. in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case on 03.01.2017 has been in custody since then. Inviting the attention of the Court to the deposition of the Informant; he points out as to how he has remained silent as to any demand of dowry by the Petitioner and his family members after the marriage. He further points out the statement that his daughter is pulling in well in her in-law's house without any disturbance. Placing the statement of the witnesses; he further submits that this Petitioner was not present at the relevant time of the incident and he being informed had come to the place. He, therefore,

submits that with such evidence on record, the Petitioner having remained in custody for a long time and when the trial is not yet completed as there remains no scope on his part to flee from justice and tamper the evidence, it is a fit case for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move. According to him, the stage is too premature to take a view on the complicity of the Petitioner. He, however, does not dispute the period of detention of the Petitioner in custody. He is also not in a position to counter the submission of the learned counsel for the Informant that the Informant being examined as P.W.4 as stated.

5. Considering the submissions as advanced and on going through the materials as placed; further keeping in view the surrounding circumstances including the factum of detention of the petitioner in custody; while being inclined to reconsider the prayer for bail of this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D. Dash)
Judge