

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3092 of 2022

Somanath Badaraita

.... ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M. Mishra, ASC

CORAM:
JUSTICE G. SATAPATHY

ORDER
18.11.2022

Order No.

- 05.
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 S.T. Case No.47 of 2021 arising out of Garabandha P.S. Case No.49 of 2021 pending in the file of learned Special Judge-cum-Addl. Sessions Judge, Gajapati for commission of offences punishable under Sections 306/498-A/34 of IPC, on the allegation of abetting commission of suicide of his wife and subjecting her to cruelty and torture for demand of dowry.
 3. In the course of hearing of the bail application, Mr. S.K. Dash, learned counsel for the petitioner submits that the petitioner is inside jail custody since 20.08.2021 and charge-sheet has already been submitted and, therefore, there appears no apprehension about the petitioner tampering the prosecution witnesses. Learned counsel for the petitioner under aforesaid submission prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State, however, opposes the bail application of the petitioner vehemently.

5. Considering the rival submissions made, nature and gravity of the accusations levelled against the petitioner and the fact that the petitioner is inside custody since 20.08.2021 and taking into consideration the other circumstances on record in entirety as also the cause of death of the deceased as revealed from the post mortem report, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bond of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge