

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3224 of 2022

Smt. Nidhi Das

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
12.08.2022**

Order No.

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

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

This is an application for bail under section 439 of Cr.P.C. in connection with C.T. (Sessions) Case No.48 of 2021 arising out of Mangalpur P.S. Case No.588 of 2020 pending in the Court of learned Sessions Judge, Jajpur for offences punishable under sections 498-A/306 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Jajpur, which was rejected on 28.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 19.12.2020

and charge sheet has been submitted under sections 498-A/306 of the Indian Penal Code. He further submitted that earlier the petitioner approached this Court for bail in BLAPL No.3469 of 2021 and the same was rejected as per the order dated 30.06.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the material witnesses. It is submitted that the bail application was rejected mainly relying on the statements of two witnesses, namely, Dhusasan Das and Banamali Das, the immediate neighbours of the petitioner but those two witnesses have been examined in the trial Court in the meantime and they have not supported the prosecution case and they have been declared hostile by the prosecution. It is further submitted that the marriage of the deceased was solemnized in the year 2009 and she was having three children and the death took place on 26.12.2020 and even though the informant has supported the prosecution case but he has not alleged any specific overt act against the petitioner and therefore, keeping in view the proviso to section 437(1) Cr.P.C., the bail application of the petitioner may be reconsidered.

Learned counsel for the State placed the evidence of the informant (P.W.5).

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution so far in the trial

Court, the period of detention of the petitioner in judicial custody and keeping in view the proviso to section 437(1) Cr.P.C., I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge