

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3233 of 2022

Niranjan Das

.... Petitioner

Mr.Arijeet Mishra, Advocate

-versus-

State of Odisha

.... Opp.Party

Mrs.Susamarani Sahoo
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
28.09.2022

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 under section 439 of Cr.P.C. in connection with Mangalpur P.S. Case No.588 of 2020 corresponding to C.T. Case No. 2385 of 2020 pending in the Court of learned Sessions Judge, Jajpur for offences punishable under sections 498-A, 302, 304-B/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of Sessions Judge, Jajpur, which was rejected on 29.03.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 19.12.2020 and his earlier bail application in BLAPL No. 3469 of 2021 was rejected as per order dated 30.06.2021 and liberty was granted to him to renew his prayer for bail after examination of the material witnesses, namely, Dhusasan Das and Banamali Das, the immediate neighbours of the petitioner. Learned counsel further submitted that the trial has commenced and the aforesaid two witnesses have been examined in the learned trial Court and they have not supported the prosecution case and they have been declared hostile by the prosecution. He 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. It is further submitted that two of the co-accused persons, namely, Nidhi Das, the mother-in-law and Pramod Das, the brother-in-law of the deceased have been directed to be released on bail by this Court in BLAPL No. 3224 of 2022 and BLAPL No. 3926 of 2022 respectively. He further submitted that in view of the change in the circumstances after release of the co-accused persons on bail, the bail application may be favourably reconsidered. Learned counsel files the copies of the bail orders in respect of the co-accused persons, which are taken on record.

Learned counsel for the State, on the other hand, pointed out from the evidence of P.W.5 Panchanan Nayak, the informant in the case that the deceased was complaining before them that the accused persons were frequently torturing her and asking her to bring cash and household articles.

Perused the evidence of P.W.5 in which he has stated that the accused persons used to take care of all the three children during the absence of the husband of the deceased.

Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application, the nature of evidence adduced by the informant being examined as P.W.5 in the learned trial Court, release of the co-accused persons on bail and taking into account the period of detention of the petitioner in judicial custody, 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 including

the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

