

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL NO.3272 OF 2022**

***Iswar Chandra Panda***

....

***Petitioner***

Mr. M.K. Chand, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr.S. Jena, ASC.

**CORAM:**

**MR. JUSTICE D.DASH**

**ORDER**

**06.12.2022**

**Order No.**

- 02.
1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
  2. This is the second journey of the Petitioner, who is in custody in connection with Naktideul P.S. Case No.49 of 2021 corresponding to S.T. Case No.26 of 2021 pending on the file of learned Addl. Sessions Judge, Rairakhol, running for the alleged commission of offence under section-498-A/302/304/34 of the IPC read with section-4 of the D.P. Act, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
  3. Learned Counsel for the Petitioner submits that the Petitioner being the husband of the deceased has been arraigned in the case as his wife within the period of seven years of marriage had committed suicide by setting herself at fire. He further submits that the materials having been collected in course of investigation, the offence under section-302 of the IPC has been omitted in the charge-sheet and it has been substituted by section-306 of the IPC. Inviting the attention of this Court to some statements of the witnesses recorded under section-161 of the Cr.P.C., he points out

that it is a case of suicide and the prosecution allegation that Petitioner with other dowsed the deceased with kerosene and set her ablaze is per se not acceptable. He therefore, urges for reconsider of the prayer for grant of bail to the Petitioner, when there remains no scope on his part to flee from justice and the question of tampering the evidence does not arise. In view of all these above, as according to him, further detention of the Petitioner in custody till conclusion of the trial which is still continuing would serve no such useful purpose.

4. Learned Counsel for the State opposes the move in view of the materials available on record. He however, does not dispute that the I.O. while filing charge-sheet on completion of investigation has omitted the offence under section-302 of the IPC and instead has placed the Petitioner for trial for commission of offence under section-306 of the IPC.

5. Considering the submissions made and on going through the materials on record, further keeping in view the surrounding circumstances including the long period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

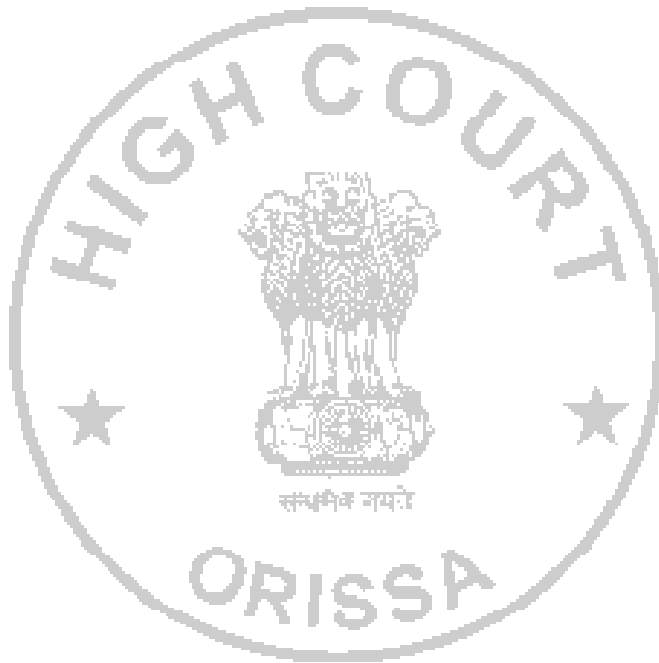
1. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial;
2. will not leave the jurisdiction of the Court in seisin of the case without prior permission;

3. will not indulge himself in commission of any criminal activity; and
4. will not threaten or terrorise the prosecution witnesses already examined and to be examined in any manner.

Violation of any of the condition(s) shall entail cancellation of bail.

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

*Narayan*



***(D. Dash),  
Judge.***