

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3454 of 2022

Simarani Mahakud

.... ***Petitioner***
Mr.Sidhartha Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Barbil P.S. Case No.127 of 2021 corresponding to Sessions Trial Case No.42 of 2021 pending in the Court of the learned Additional District & Sessions Judge, Champua for commission of an alleged offence under Sections 341,323,497,306/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the deceased is the husband of the Petitioner. It is further submitted by the learned counsel for the Petitioner that not accepting the illicit relationship of the Petitioner with another person namely, Kebul Singh the deceased husband of the Petitioner picked up quarrel with the Petitioner and after quarrelling for some time the husband went to the

house and hanged himself. Thereafter, after some time when he did not come out, the door of the house was opened and after entering into the room found that the deceased husband has committed suicide and the death is suicidal in nature. Further it is submitted by the learned counsel for the Petitioner that co-accused has already been released on bail. It is submitted that since the Petitioner is the inhabitant of Keonjhar district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the nature of allegations against the Petitioner is serious in nature. He further submits that since the Petitioner has illicit relationship with Kebul Singh there is apprehension in the mind of the deceased as a result of which he has committed suicide.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation and keeping in view the surrounding circumstances and taking into consideration the gravity of the offence and the conduct of the parties and the fact that co-accused has already been released on bail, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.

- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
 - iii) shall not indulge in any offence of similar nature
 - iv) shall not tamper with the prosecution evidence while on bail.
 - v) shall not influence or threaten any prosecution evidence while on bail.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

