

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3632 of 2022

Jharu Kata

....

Petitioner

Mr. S.N. Mishra-4, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.05.2022

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 learned counsel for the State. Perused the F.I.R., case diary, the statement of the witnesses and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in C.T. Case No.104 of 2022 arising out of Kegaon P.S. No.19 of 2022 pending in the court of learned S.D.J.M., Bhawanipatna for commission of offence punishable under Section 302, I.P.C. and subsequently turned to under Section 306, I.P.C.
5. It is alleged that there was a quarrel between the husband and wife and the wife of the petitioner committed suicide but giving a clour of murder committed by the petitioner.
6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 27.01.2022 and in the meantime, charge-sheet has

already been submitted in the case. He further submits that on similar footing with the present petitioner, three co-accused person have already been released on bail by this Court. Further, learned counsel for the Petitioner submits that the Petitioner belongs to the locality and there is no scope for absconding or fleeing away from the hands of the justice.

7. Mr. Nayak, leaned Additional Standing Counsel for the State, on the other hand, opposes the prayer for bail of the Petitioner. Therefore, he prays for rejection of the bail application of the Petitioner. He also submits that in the event the Petitioner released on bail, he might influence the prosecution witnesses. Further he submits that in the event this Court is inclined to release the Petitioner on bail, some stringent terms and conditions may be imposed.

8. Having heard the learned counsels for the parties, considering the nature of allegation and the period of custodial detention of the petitioner, it is directed that let the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. He shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever; and
- III. He shall not make any default in attending the court during trial on each date.

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

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Jagabandhu

