

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3635 of 2022

Bala Pradhan

....

Petitioner

Mr. S.R. Mohapatra, 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.2/5 of 2020 arising out of C.T. Case No.4674 of 2021 corresponding to Khandagiri P.S. No.453 of 2021 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offence punishable under Sections 302/34, I.P.C.
5. It is alleged that there was a quarrel between the parties and when the brother of the informant opposed the co-accused, the co-accused persons went to their house and came again stabbed the deceased by means of knife. Hence, the present case.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 30.08.2021 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. Further, it is submitted by learned counsel for the petitioner that the petitioner is a lady and her husband and herself patient, who are suffering from HIV Positive and that she is in custody and her bail application may be considered.

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, petitioner is a lady and she is suffering from HIV Positive 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 one 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. She shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever; and
- III. She 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

