

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4019 of 2022

Balabhadra Singh **Petitioner**

Mr.D. Panda, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

28.09.2022

Order No.

05.

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 for bail under section 439 of Cr.P.C. in connection with C.T. Case No.02 of 2021 arising out of Rengali P.S. Case No.158 of 2020 pending in the Court of learned S.D.J.M., Jharsuguda for offences punishable under sections 498-A/494/324/376(2)(f)/506/313/109/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 07.09.2020 and his earlier bail application in BLAPL No.1846 of 2021 was rejected as per order dated 06.09.2021 relying on the 164 Cr.P.C. statement of

the victim and the petitioner was granted liberty to renew his prayer for bail after examination of the victim in the learned trial Court. Learned counsel for the petitioner submitted that in the meantime trial has commenced and the victim being examined as P.W.1 and as per the charge sheet, there are forty six witnesses and the victim is the sister-in-law of the petitioner and she stated that there was physical relationship between them for two months, for which she became pregnant but the child died in the womb.

Learned counsel for the State opposed the prayer for bail mainly on the ground that there are other material witnesses are yet to be examined.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the nature of evidence adduced by the victim in the learned trial Court and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner 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 subject to conditions that the petitioner shall appear before the learned trial Court on each date

when the case would be posted for trial and he shall not try to tamper with the evidence.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



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