

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4563 of 2022

Kunal Singh Yadav

....

Petitioner

Mr.D.Routray, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

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

ORDER

26.08.2022

Order No.

01. 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 under section 439 of Cr.P.C. in connection with Sambalpur Mahila P.S. Case No.02 of 2020 corresponding to S.T. Case No.66/05 of 2020-21 pending in the Court of learned 1st Additional Sessions Judge, Sambalpur for offences punishable under sections 498-A, 302, 304-B, 201/120-B of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The petitioner moved an application for bail before the Court of learned 1st Additional Sessions Judge, Sambalpur, which was rejected on 11.05.2022.

Learned counsel for the petitioner submitted that the petitioner Kunal Singh Yadav is in judicial custody since 18.01.2020 and he has been charge sheeted under sections 498-A, 302, 304-B, 201/120-B of the Indian Penal Code and section 4 of the Dowry Prohibition Act. Learned counsel further submitted that the petitioner is the husband of the deceased Arati Devi and their marriage was solemnized on 04.05.2018 and they were having no issue and the death of the deceased took place on 18.01.2020 and as per the post mortem report, the cause of death was on account of constriction of neck. Learned counsel further submitted that the doctors who conducted post mortem examination have been examined P.W.6 and P.W.7 in the learned trial Court and they have stated that if one person commits suicide herself then such injury is possible. Learned counsel further submitted that the informant in the case is the father of the deceased and he has been examined as P.W.1 and he has not supported the prosecution case and therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State after going through the deposition copies of the witnesses supplied by the learned counsel for the petitioner fairly submits that the informant has not supported the prosecution case. However, he submitted that the petitioner had earlier approached this Court twice

once in BLAPL No.3500 of 2020, which was rejected as per order dated 09.06.2021 and the second one is BLAPL No. 7941 of 2021, which was disposed of as withdrawn.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution so far in the learned trial Court and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released 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 including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

