

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4685 of 2022

Durbal Sabar

.... ***Petitioner***
M/s. U.Barik, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

20.12.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Jaipatna P.S. Case No.174 of 2019 corresponding to C.T. Case No.01 of 2020(Sessions) pending in the Court of learned Addl. Sessions Judge, Dharmagarh for commission of offence punishable U/S. 302 of the I.P.C. on the allegation of committing murder of his wife.
 3. In the course of hearing of the bail application, Mr.U.Barik, learned counsel for the petitioner submits that although the petitioner has been detained in custody for more than three years but the trial is yet to be concluded and so far as many as five witnesses including the mother of the deceased have already been examined in this case but the petitioner's implication in this case is hardly revealed from the evidence of any of the witnesses so far as examined in this case and the cause of death as opined by the doctor is still obscure as mentioned in the post mortem report. Mr.Barik, learned counsel

under aforesaid submissions, prays to grant bail to the petitioner.

4. Mr.P.K.Patnaik, learned AGA by placing the final opinion of the doctor submits that the deceased had suffered a homicidal death and the petitioner having last resided together with the deceased in a room is required to explain the circumstance of homicidal death of the deceased and in absence of any explanation from the petitioner, the circumstance conclusively point the guilt of the petitioner and, therefore, the present petitioner may not be granted with bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as well as the surrounding circumstances including the pre-trial detention of the petitioner for more than three years and the circumstance in which the deceased died and regard being had to the examination of the mother of the deceased in the trial and on going through the evidence of the witnesses so far as examined in this case, this Court admits the petitioner to bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for

cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

