

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4732 of 2022

Dhiren Sabar

.... ***Petitioner***
Mr. A.K. Sahoo, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE G. SATAPATHY

Order No.

ORDER
12.12.2022

- 02.
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 C.T. Case No.107 of 2020, which further corresponding to S.T. Case No.22 of 2020 arising out of Reamal P.S. Case No.61 of 2020 pending in the file of learned Sessions Judge, Deogarh for commission of offences punishable under Section 302 of IPC, on the allegation of fratricide.
 3. In the course of hearing of the bail application, Mr. A.K. Sahoo, learned counsel for the petitioner submits that the petitioner is inside jail custody since 27.03.2020 and, in the meanwhile, five out of seventeen witnesses have already been examined in this case, but all the material witnesses so far examined in this case have not supported the prosecution case and the petitioner having detained in custody since long, may kindly be released on bail.
 4. On the contrary, Mr. S.S. Pradhan, learned A.G.A. while

opposing the bail application of the petitioner submits that the petitioner is found to have committed murder of his own brother and, thereby, the petitioner shall not be released on bail.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner and other circumstance on record including the pre trial detention of the petitioner since 27.03.2020 and regard being had to the circumstance in which the deceased died and the materials collected by the Investigating Agency in support of allegation against the petitioner and keeping in view that the object of bail is neither punitive nor preventive, rather for protecting the liberty of a person and the principle that bail is the rule but jail is the exception and taking into consideration the evidence of the witnesses so far examined in this case till today, this Court admits the petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the Jurisdictional Police Station once in a week preferably on Monday in between 12 Noon to 1 PM. for six months. The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance

beyond the time as stipulated.

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. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

