

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5106 of 2022

Jitu Bhoi

....

Petitioner

Mr. M.K. Mohapatro, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. S. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.06.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 23.08.2021 in connection with Handapa P.S. Case No.60 of 2013 corresponding to C.T.(S) Case No.24 of 2021 pending in the Court of learned Addl. Sessions Judge, Athmallik for the alleged commission of offence under Sections 498(A)/302 of IPC.
4. The petitioner is the husband of the victim, who is said to have been killed by him. As it appears, trial has already commenced with, six out of fourteen charge sheeted witnesses have already been examined including the informant as P.W.-1. It further appears that none of the witnesses have supported the case of the prosecution, as evident from the copies of depositions enclosed to the bail application.
5. In such view of the matter, it is difficult to prima facie hold that the petitioner is guilty of the offence as alleged.
6. Considering the above facts and taking into account the

period of detention in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the Court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail and in case of even a single default, this order shall be treated as cancelled and he shall be taken into custody forthwith.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

