

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5147 of 2022

Chinmaya Rout

....

Petitioner

Mr. Ananta Narayan Pattanayak,
Adv.

-versus-

State of Odisha

....

Opp. Party

Mr. G.R. Mohapatra,
ASC

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER
22.09.2022

Order
No.

04.

1. This matter is taken up through hybrid mode.
2. Heard.
3. The petitioner being in custody since 30.05.2018 in connection with C.T.. Case No. 53 of 2018 relating to Sunabeda P.S. Case No. 141 of 2018 pending in the learned Additional Sessions Judge, Koraput.
4. The facts leading to the instant case, in brief, is that the accused petitioner Chinmay and his wife Manu staying in Netajinagar in a rented house belonging to the informant Prasant Kumar Sethi for the last eight months. Learned counsel for the petitioner states that for the last 4 to 5 months, Aunt of Chinmaya Routa was staying with him in the house. The wife of Chinmaya Routa, namely,

Manu was 8 months pregnancy. On 17.10.2015, Chinmaya locked the door outside and went away somewhere. On 18.10.2015 morning he smelled bad odour was coming out from the house and the informant suspected that the present petitioner and his Aunt might have committed murder to Manu and fled away locking the door outside of the house and the informant tried to contact their mobile phones, but his mobile was switched off. Thereafter, the informant reported the matter in Sunabeda P.S. based on which this case was registered. After completion of investigation, charge-sheet has been submitted against the petitioner and another under Section 302/201/34 of I.P.C.

5. Learned counsel for the petitioner submits that the Petitioner has been falsely implicated in this case and the petitioner is no way connected with alleged offences as alleged by the prosecution in any manner. Moreover, the Petitioner is in custody since 30.05.2018. Hence, he submits that the Petitioner may be enlarged on bail. Learned counsel for the petitioner submits that petitioner none has seen the petitioner committing such offence, though the petitioner is husband of the deceased all fingers points towards the petitioner. It is further submitted that none of the family members of the

deceased has pointed the petitioner as accused for the offence. Charge-sheet also reflected that most of the witnesses are stated that they have seen the deceased three days before of the occurrence.

4. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner.

5. Having scrutinized the case record, this Court is of the opinion that since the petitioner has already spent four and half years in custody and the trial has just started and it is likely to take longer time. No purpose shall be served to keep the petitioner for as he has already spent four and half years.

6. In such view of the above facts and circumstances, the petitioner deserves to be released on bail. Accordingly, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned Court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case,
- ii. he shall not indulge himself in any criminal offence while on bail; and
- iii. he shall not tamper with the evidence of the prosecution witnesses in any manner.

6. Violation of any of the conditions shall entail cancellation of the bail.

7. This BLAPL is, accordingly, disposed of.

(Dr. S.K. Panigrahi)
Judge

SD

