

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5194 of 2022

Sahita Gouda @ Saita

.... ***Petitioner***
M/s. S.S.Ray(2), Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

18.11.2022

Order No.

- 03.
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 Badagada P.S. Case No.125 of 2022 corresponding to G.R. Case No.346 of 2022 pending in the Court of learned J.M.F.C., Aska for commission of offence punishable U/Ss. 364/302/201 of the I.P.C. on the allegation of kidnapping the deceased and committing her murder and further causing disappearance of evidence.
 3. In the course of hearing of the bail application, Mr.S.S.Ray, learned counsel for the petitioner submits that there is absolutely no circumstance available against the petitioner so as to detain him further in judicial custody and all the allegations brought against the petitioner are not only false but also the petitioner is no way connected with the crime. It is further submitted that even if the allegations on record are considered, only the circumstance of his confession before police and the love affair between the deceased and the petitioner would come out and these circumstance are not clinching evidence to find out any prima facie case against the

petitioner. On the aforesaid submissions, learned counsel for the petitioner prays to enlarge the petitioner on bail.

4. On the contrary, learned counsel for the State elaborately and laboriously submits that the petitioner was found talking with the deceased in the shop on the day of occurrence and also it was found that there were 12 phone calls between the petitioner and the deceased on the day of occurrence, besides recovery of the dead body at the instance of the petitioner which strengthen the circumstances further with the fact that the deceased and the petitioner were in love affairs and thereby all the circumstances taken cumulatively would form a chain of circumstance unerringly pointing guilt of the petitioner for commission of the murder of the deceased and, therefore, the petitioner should not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of accusations available against the petitioner as also the circumstance and the fact that there is no direct evidence available against the petitioner and the recovery of dead body from a well and regard being had to the pre-trial detention of the petitioner and taking into consideration other circumstances in entirety, this Court does not find any justification to detain the petitioner any further in judicial custody.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- 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 and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon for three months from the date of release from the custody. 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. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge