

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4496 of 2021

Bailochan Das

.... Petitioner

Mr.M.K. Mohapatro, Advocate

-versus-

State of Odisha

.... Opp.Party

Mr.Debasis Biswal

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
27.09.2022**

Order No.

03.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Rajnagar P.S. Case No.24 of 2020 corresponding to S.T. Case No.66 of 2020 pending in the Court of learned Additional Sessions Judge, Kendrapara for offences punishable under sections 498-A/323/302/304-B/201/34 of the Indian Penal Code read with section 4 of the D.P. Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Kendrapara which was rejected on 04.06.2021.

Learned counsel for the petitioner submitted that the petitioner earlier approached this Court for bail in BLAPL No.4122 of 2020 and the same was disposed of as withdrawn as per order dated 19.01.2021. He further submitted that the petitioner is the father-in-law of the deceased Rasmita Sahoo and he is in judicial custody since 03.02.2020 and he has been charge sheeted under sections 498-A/323/302/304-B/201/34 of the Indian Penal Code read with section 4 of the D.P. Act. It is further submitted that the marriage of the deceased was solemnized with the son of the petitioner in June 2018 and the deceased sustained burn injury on 01.02.2020 whereafter she was hospitalized and on 07.02.2020, she died and the cause of the death was on account of burn injury. He further submitted that the allegations against the petitioner are omnibus in nature and in the meantime, trial has commenced and nine witnesses have been examined out of twenty one charge sheeted witnesses.

Learned counsel for the State, on the other hand, opposed the prayer for bail and placed the evidence of the informant, who has been examined as P.W.1 and stated that there is an oral dying declaration made by the deceased while she was undergoing treatment at S.C.B. Medical College and Hospital, Cuttack in which she has implicated the petitioner along with other poured kerosene on her and set her on fire.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution during trial, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, I

am inclined to release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

RKM