

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4650 of 2021

Sushanta Bhoi

....

Petitioner

Mr. S.S. Ray, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
08.07.2022**

Order No.

04. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

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

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.86/3 of 2018-21 arising out of Hemagiri P.S. Case No.89 of 2018 pending in the Court of learned Addl. Sessions Judge, Sundargarh for alleged commission of offences punishable under sections 498-A, 302, 304-B/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge,

Sundargarh, which was rejected on 31.05.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.07.2020 and out of thirty one charge sheet witnesses, fifteen witnesses have been examined in the learned trial Court and his earlier bail application in BLAPL No.971 of 2019 was rejected as per order dated 30.07.2019 and while rejecting the bail application, this Court observed that the petitioner is at liberty to renew the prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel for the petitioner contended that no clinching evidence has come against the petitioner in the evidence of the fifteen witnesses examined so far and therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, on the other hand, submitted that there are some other material witnesses yet to be examined and some of the witnesses including the informant (P.W.4) were examined in the learned trial Court have deposed against the petitioner and the post mortem report finding goes against the defence plea that it is a case of poisoning.

Considering the submissions made by the learned counsel for the respective parties, the nature

of accusation against the petitioner, the evidence adduced so far in the learned trial Court, 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 and the progress of the trial so far, I am inclined to release the petitioner on interim bail for a period of three months from the date of release.

For the above period, let the petitioner be released on interim bail in connection with 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 including the conditions that while on interim bail, the petitioner shall not tamper with the prosecution witnesses and shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge

