

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5869 of 2022

Sidhant Mohanty

....

Petitioner

Mr. D. Sarangi, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
02.09.2022**

Order No.

02.

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 for bail under section 439 of Cr.P.C. in connection with Sessions Trial No.123 of 2020 arising out of Kabisuryanagar P.S. Case No.258 of 2018 pending in the Court of learned Additional Sessions Judge, Kodala for offences punishable under sections 498-A/302/304-B/506/34 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, Kodala, which was rejected on 31.08.2021.

Learned counsel for the petitioner submitted that

the petitioner is the brother-in-law (husband's younger brother) of the deceased and he was taken into judicial custody since 19.11.2018 and in the meantime, the father-in-law of the deceased, namely, Tarini Mohanty has been released on bail by this Court in BLAPL No.10348 of 2021 as per order dated 06.05.2022. He files the copy of the order, which is taken on record. He further submitted that earlier the petitioner approached this Court for bail in BLAPL No.8733 of 2019 and he was granted interim bail for a period of three months as per the order dated 01.07.2020 and after availing the same, he surrendered at right time. It is further submitted that in the trial Court, out of thirty three charge sheet witnesses, only ten witnesses have been examined so far and the evidence of the witnesses indicate that the petitioner was staying most of the time in Surat where he was working for earning his livelihood and he had come to his village a month prior to the date of occurrence. He further submitted that there is no such clinching material available on record against the petitioner and therefore, the bail application may be favourably reconsidered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and placed the evidence of the witnesses examined so far in the trial Court.

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

accusation against the petitioner, the nature of evidence adduced in the trial Court so far, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the order of the interim bail granted in his favour, the progress of the trial so far and release of co-accused on bail, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not try to tamper with the evidence.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge