

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6792 of 2022

Kunu @ Kunurani Pradhan

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in C.T. Case No.186 of 2021, pending in the file of learned Additional District and Sessions Judge, Boudh, arising out of Purunakatak P.S. Case No.126 of 2021 corresponding to S.T. Case No.16 of 2022, for commission of alleged offences under Sections 302 of IPC and is in custody since 10.11.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the Additional District and Sessions Judge, Boudh by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the petitioner is in custody since 10.11.2021 and in the meanwhile trial has commenced and five prosecution witnesses have been examined but materials witnesses including P.W.3, who is the daughter of the petitioner and deceased, has not supported the prosecution. Hence, it

is stated that further continuance of the petitioner in custody is not warranted.

6. It is further submitted that since the deceased was the husband of the petitioner and the circumstance on which the offence was committed cannot be said to be a case under Section 302 of IPC and keeping in view the welfare of four children of the petitioner and the deceased, she may be released on bail and it is submitted with vehemence that keeping her social stature, there is no scope for her to either fleeing from justice or intimidate the witnesses.

7. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that at this stage, it is not prudent to evaluate the material on record.

8. This Court had occasion to peruse the statement of P.W.3- Kumkum Pradhan, daughter of the petitioner and deceased who resiled from her statement. The statement of P.W.3 filed by the learned counsel for the petitioner in Court is taken on record.

9. Considering the genesis of the offence and keeping in view the welfare of four children who are of tender age, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter so as to ensure his presence on each date of trial.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi