

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6270 of 2021

Chintamani Das @ Mallik

.... ***Petitioner***
Mr. K.K. Rout, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. K.K. Nayak, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
12.01.2022

I.A. No.1195 of 2021

02. 1. Learned counsel for the Petitioner does not want to press the interim bail application of the Petitioner. Accordingly, the I.A. stands disposed of as not pressed.

(*A.K. Mohapatra*)
Judge

BLAPL No.6270 of 2021

03. 1. This matter is taken up through Video Conferencing Mode.
2. Heard Mr. K.K. Rout, learned counsel for the Petitioner and Mr. K.K. Nayak, learned counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in C.T. No.894 of 2021 corresponding to Mangalpur P.S. Case No.226 of 2021 pending in

the court of learned S.D.J.M., Jajpur for commission of offence punishable under Sections 498-A/294/323/326/307/506/34, I.P.C. subsequently converted to a case under Sections 498-A/302/120-B/34, I.P.C.

5. It is submitted by learned counsel for the Petitioner that since the husband of the deceased has married another lady, there was a quarrel between the two before the incident and thereafter the victim committed suicide by pouring kerosene and setting herself on fire. Further it is submitted that the victim was shifted to hospital for treatment and while she was being treated in hospital, she succumbed to burn injuries on the next day.

6. It is further submitted by learned counsel for the Petitioner that the present petitioner is the father-in-law of the deceased and he has been suffering from diseases and that he is in custody since then and in the meantime, charge-sheet has already been submitted in the case and in view of restricted functioning of the court, the trial is not likely to concluded soon.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Consider the submissions of the parties and the materials on record especially the dying declaration of the victim, I am not inclined to release the Petitioner on regular bail at this stage. Hence, main bail application stands rejected.

9. After rejection of the main bail application, the learned counsel for the Petitioner prays for grant of interim bail to the Petitioner considering the age of the Petitioner and the fact of rise in number of COVID-19 cases during 3rd waive in the entire State.

10. I, therefore, direct that let the Petitioner be released on interim

bail for a period of four weeks from the date of release in the aforesaid case by furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent sureties for the like amount to the satisfaction of the learned Court in seisin over the matter subject to condition that he shall surrender before the learned court below on completion of the interim bail positively and without fail. While on interim bail, the Petitioner shall appear before the learned trial Court on each date to which the case would be posted for trial and he shall not tamper with the evidence and threaten or influence the witness in any manner. Violation of any of the conditions shall entail cancellation of the interim bail.

11. The Bail Application is accordingly disposed of.

12. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge