

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7313 of 2021

Madan Pradhan

.... ***Petitioner***
Mr.R.N.Prusty, *Advocate*

-versus-

State of Odisha

.... ***Opposite Party***
Mr .M.K.Mohanty, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

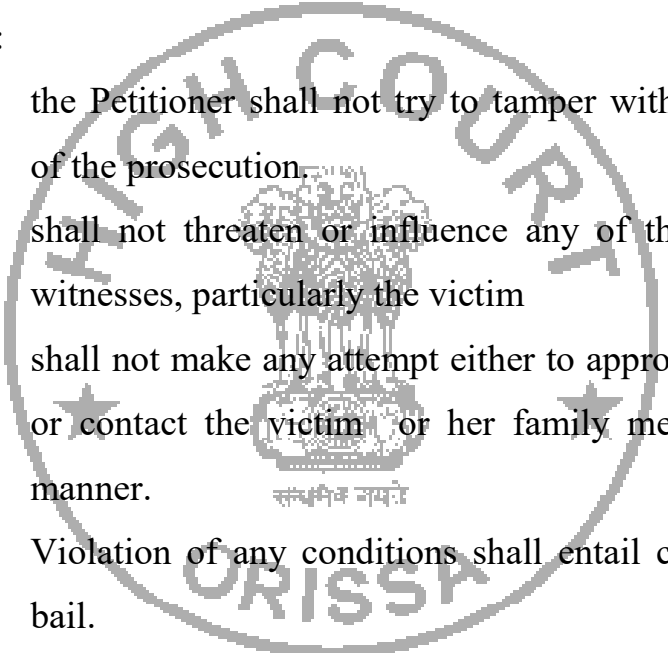
16.02.2022

Order No.

- 5.
1. This matter is taken up through Hybrid Arrangement (virtual/Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Handapa P.S.Case No.154 of 2021, corresponding to G.R.Case No.525 of 2021, pending in the Court of the learned S.D.J.M., Athamallik for alleged commission of offence under Sections 364,376/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.
 4. Learned counsel for the Petitioner files a comprehensive Affidavit filed by the mother of the Petitioner in Court today. The same be kept on record.
 5. On prima facie examination of the records, it is seen that there is a family dispute between the parties and that the medical

examination report reveals that on the fateful day both the families sustained injuries.

5. Having heard learned counsel for the respective parties as well as on perusal of the records and on consideration of the peculiar facts and circumstances of the case and considering the fact that the Petitioner is languishing in jail custody since 28.06.2021, I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

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- i) the Petitioner shall not try to tamper with the evidence of the prosecution.
 - ii) shall not threaten or influence any of the prosecution witnesses, particularly the victim
 - iii) shall not make any attempt either to approach, influence or contact the victim or her family members in any manner.
 - iv) Violation of any conditions shall entail cancellation of bail.

6. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

7. The BLAPL is accordingly disposed of.

8. Issue urgent certified copy of this order as per Rules.