

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8354 of 2022

Munakanta Khilar* *Petitioner

Mr. A.K. Acharya, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
21.10.2022**

Order No.

01. 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 under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Puruna Bazar P.S. Case No.67 of 2018 corresponding to S.T. Case No.2 of 2019 pending in the Court of learned Addl. Sessions Judge, Bhadrak for offences punishable under sections 498-A/302/120-B/201/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is the brother-in-law of the deceased Subhasini Khilar and he was taken into judicial custody in connection with the case on

03.07.2018 and he has been charge sheeted under sections 498-A/302/120-B/201/34 of the Indian Penal Code and when the petitioner approached this Court last time for bail in BLAPL No.3451 of 2021, he was granted interim bail for a period of three months taking into account that the period of detention of the petitioner in judicial custody. Learned counsel for the petitioner submitted that after availing the interim bail period, he has surrendered before the learned Court below at right time and in the meantime, out of twenty seven charge sheet witnesses, eighteen witnesses have already been examined and except P.W.1, all other witnesses have not supported the prosecution case and even P.W.1 though supported the prosecution case in the chief-examination but stated in the cross-examination that there was no demand of dowry at the time of marriage of the accused (Uday Khilar) who is the deceased and the deceased was living peacefully in the house of the accused persons till her death and when he went to the spot, he found the residential house of the accused persons burnt and turned into the ashes and the deceased have sustained burn injuries. Learned counsel for the petitioner submitted that in view of the evidence adduced so far by the prosecution in the trial Court and the period of detention of the petitioner in judicial custody, the bail application of the petitioner may be favourably reconsidered. He

further submitted that the other accused persons have already been enlarged on bail.

Learned counsel for the State on the other hand, drew the attention of this Court to the evidence of the doctor who conducted post mortem examination and examined as P.W.16 submitted that the doctor has found that there are fractured injuries on the skull bone over the right front parietal area and the cause of death has been opined to be shock as a result of obstruction of air passage by the towel which was found inside the mouth cavity of the deceased and cranio cerebral injury as a result of the fracture noticed in the front parietal region of the scalp.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution so far in the trial Court, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier order of interim bail granted by this Court, 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 a 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 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 indulge in any criminal activities 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.

Urgent certified copy of this order be granted on proper application.



P