

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7424 of 2021

Sukanta Badhei

.... ***Petitioner***
Mr.Saroj Kumar Padhi, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.03.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard Mr.S.K.Padhi, learned counsel for the Petitioner as well as Mr.M.K.Mohanty, learned Additional Standing Counsel for the State.
 3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with G.R.Case No. 86 of 2021 pending in the Court of the learned 2nd Additional District & Sessions Judge, Puri, corresponding to Pipili P.S.Case No.64 of 2021 for commission of the alleged offences under Sections 302,452 of the Indian Penal Code.
 4. The prosecution case in brief is that on 07.02.2021 in the night while the sister of the informant was sleeping someone assaulted on her head by means of a stone, as a result of which she sustained severe bleeding injuries and succumbed to the injuries in the hospital.

5. It is submitted by the learned counsel for the Petitioner that the F.I.R. was lodged against unknown accused persons. There is no eye witness to the occurrence. He further submits that the Petitioner is in custody since 16.02.2021 and that investigation of the case has been completed in the meantime and charge sheet has been filed. The entire case of the prosecution is based on circumstantial evidence. Further, there is no direct evidence or incriminating materials found during investigation to implicate the present Petitioner in the alleged crime. Except some statement made by some witnesses that the accused Petitioner has expressed his anguish due to illicit relationship of his wife with his younger brother which is with the help of the deceased. It is further submitted by the learned counsel for the Petitioner that the Petitioner belongs to the locality there is no chance of his absconding or fleeing away from the hands of justice in the event he is released on bail by this Court and the Petitioner will cooperate with the trial and shall appear before the trial Court.

6. Learned State Counsel on the other hand opposes the prayer for bail of the present petitioner. He further submits that the motive behind the crime is established although there is no eye witness to the occurrence. He further submits that the Petitioner can be convicted basing on circumstantial evidence and on such background learned State Counsel urges for rejection of bail application of the Petitioner.

7. Having heard learned counsel for the parties and considering the surrounding circumstances as well as the fact that the entire fact is based on circumstantial evidence and that the Petitioner is in custody since 03.02.2021, this Court is inclined to release the Petitioner on bail subject to furnishing 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 subject to the following terms and conditions :

- i) shall appear before the trial court on each and every date and shall cooperate the trial court for early conclusion of trial.
 - ii) shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses.
 - iii) shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future.
 - iv) Violation of any of the terms and conditions shall entail cancellation of bail.
8. With the aforesaid observation the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted on proper application.

RKS

