

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7647 of 2021

Maheswar Samal

.... ***Petitioner***
Mr.A.K.Sahoo, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.02.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the 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 C.T.Case No.312 of 2021 pending in the Court of the learned S.D.J.M, Deogarh, which arises out of Deogarh P.S.Case No.162 of 2021 for commission of an alleged offence under Sections 450,354,302 of the Indian Penal Code.
4. Perused the case record and statements of the witnesses recorded under section 161 Cr.P.C.
5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 13.06.2021 and in the meantime investigation is over and charge sheet has been filed. It is submitted by the learned counsel for the Petitioner that the only allegation against the Petitioner is that the deceased had illicit relation with the present Petitioner. The husband of the deceased after coming to know about such illicit relationship assaulted the deceased as a result of which she sustained

injuries and subsequently succumbed to the injuries.

5. Learned counsel for the State on the other hand vehemently opposes for grant of bail to the Petitioner and further submits that the dispute was due to the role played by the present Petitioner. Therefore, the bail application of the Petitioner be rejected.

6. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the custodial detention of the Petitioner, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid 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 terms and conditions

- i) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- ii) shall not influence or threat the witnesses and shall not tamper with the evidence of the Prosecution.
- iii) Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is open for the Court in seisin over the matter to fix any other conditions which may be deemed fit and proper in the facts and circumstances of the present case.

8. The Bail Application is accordingly disposed of.

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

RKS

(A.K. Mohapatra)
Judge