

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7780 of 2021

Kailash Chandra Nayak

.... ***Petitioner***
Mr.B.P.Mohanty, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.03.2022

Order No.

6. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
4. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Jatni P.S.Case No.398 of 2021, corresponding to G.R. Case No.414 of 2021, pending in the Court of the learned J.M.F.C., Jatni for alleged commission of offences under Sections 498-A,341, 323, 354, 343, 506, 284/34 of the Indian Penal Code read with section 4 of the Dowry Prohibition Act.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is the husband and is in custody since 14.08.2021 and that

the investigation has been completed and charge sheet has been submitted in this case by the Police. It is also submitted by the learned counsel for the Petitioner that since the petitioner is residing in his village, there is no chance of his absconding or fleeing away from the hands of justice and in the event of his release on bail, he will appear before the trial court on each and every date.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that the offence alleged against the Petitioner is serious in nature. Accordingly prays for rejection of his prayer for bail.

7. Having heard learned counsel for the parties, considering the facts and circumstances of the case and the custodial detention of the Petitioner and the fact that the Petitioner is permanent resident of his village, I am inclined to release the Petitioner on bail 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) he shall not involved himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses and shall not try to contact or threaten the victim or her family members
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may impose any other condition(s) as deem fit and proper.
9. The BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

