

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8849 of 2022

Sapani Mohanty

....

Petitioner

Mr. D.P. Mishra, Advocate

- Versus -

State of Odisha

....

Opp.Party

Mr. M. Mishra,

Addl. Standing Counsel.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 21.11.2021 in connection with Nuagaon P.S. Case No.110 of 2021 corresponding to G.R. Case No.1188 of 2021 pending in the Court of learned Addl. Sessions Judge, Jagatsinghpur for the alleged commission of offence under Sections 498-A/304-B/302/34 of IPC.
4. The petitioner's bail application was earlier rejected by this Court as per order passed in BLAPL No. 2814 of 2022 granting him liberty to renew his prayer after examination of Debasis Biswal and Nrusingha Mohanty. While Nrusingha Mohanty has been examined, prosecution has declined to examine Debasis Biswal. Perusal of evidence of Nrusingha Mohanty reveals that he has resiled from his earlier version recorded by the I.O. under Section 161 Cr.P.C.
5. Considering the above facts as also the period of detention of the petitioner in custody, I am inclined to allow the prayer for

bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case and in case of even a single default, this order shall be treated as automatically cancelled and necessary orders shall be passed by the Court below to take him to custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

