

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7815 of 2021

Jagabandhu Samarath & another ***Petitioners***
Mr.J.K.Panda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.04.2022

Order No.

05.

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. Learned counsel for the Petitioner does not want to press the bail application in respect of Petitioner No.1 and seeks liberty to renew his prayer for bail after framing of charge.
4. Accordingly BLAPL is disposed of as not pressed in respect of Petitioner No.1 with the aforesaid liberty.
5. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner No.2 to release him on regular bail in connection with Mudulipada P.S.Case No.49 of 2021 corresponding to G.R.Case No.554 of 2021 pending in the Court of the learned S.D.J.M., Malkangiri for commission of an alleged offence under Sections 302,201/34 of the Indian Penal Code
6. Learned counsel for the Petitioner No.2 submits that the Petitioner No.2 is languishing in jail custody since 07.07.2021 and

after completion of investigation the Police submitted charge sheet in the case. It is also submitted by the learned counsel for the Petitioner that the deceased was having illicit relationship with the sister-in-law of Petitioner No.2 and wife of Petitioner No.1. There is also allegation against him of assault and there is also evidence on record regarding leading to discovery of weapon which is used for the offence. In such view of the matter, learned counsel for the Petitioner prays to release the Petitioner on bail on any terms and conditions that may be imposed by this Court. Since the Petitioner is permanently residing in the locality, there is no chance of his absconding and in the event of his release, he will appear before the trial court on each and every date of posting of the case.

5. Learned counsel for the State on the other hand vehemently opposes the prayer for bail and submits that the offence alleged against the petitioner is heinous in nature and she should not be released on bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case and that charge sheet has been filed in this case and the Petitioner is a permanent resident of the locality as well as the period of custodial detention of the Petitioner No.2, this court is inclined to grant bail to the Petitioner No.2 and it is directed that let the Petitioner No.2 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 subject to the following terms and conditions

- i) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted till completion of the trial.

- iii) shall not indulge in any offence of similar nature
 - iv) shall not threaten, influence or terrorise the prosecution witnesses while on bail
 - v) shall not tamper with the prosecution evidence while on bail
 - vi) 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. Issue urgent certified copy of this order as per Rules.

RKS

