

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9049 of 2022

Manoj Kumar Rana* *Petitioner

Mr. S.K. Baral, Advocate

-versus-

State of Odisha* *Opp .Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
15.12.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Tangi P.S. Case No.172 of 2018 corresponding to S.T. Case No. 90 of 2020 pending in the Court of learned 2nd Addl. Sessions Judge, Cuttack for alleged commission of offences under sections 498-A, 307, 326, 306/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The petitioner moved an application for bail before the Court of learned 2nd Addl. Sessions Judge, Cuttack, which was rejected on 08.09.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.10.2018 and his

earlier bail application in BLAPL No.1701 of 2019 was rejected as per order dated 29.04.2019 in view of the dying declaration of the deceased in which she has stated how kerosene was poured on her body and she was set on fire and the name of the petitioner finds place in the said dying declaration. He further submitted that in the meantime in the learned trial Court, out of twenty five charge sheet witnesses, eight witnesses have been examined and no clinching evidence has come on record against the petitioner and on the face of the dying declaration, there are some flaws, which are to be brought on record when the doctor, who recorded the dying declaration is examined in the learned trial Court. Learned counsel further submitted that though apart from the petitioner, two other co-accused stated to have participated in the alleged crime, namely, Pankaj Kumar Rana, the brother in-law of the deceased and Susanta Kumar Sahoo @ Babu Sahoo, an adjacent neighbor, but they have already been released on bail by this Court. He further submitted that in view of the change in the circumstances and when there is no chance of tampering with the evidence and taking into the period of detention of the petitioner in judicial custody, the bail application of the petitioner may be favourably reconsidered. He files the bail order copies of the co-accused persons, which are taken on record.

Learned counsel for the State placed the evidence of the witnesses examined in the learned trial Court so far so also the dying declaration.

Considering the submissions of the learned counsel for the respective parties, the nature of evidence adduced so far

in the learned trial Court and since the petitioner is in judicial custody for more than four years and taking into account the slow progress of trial, I am inclined to reconsider the prayer for bail and direct release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on 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 with such terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall not indulge in any criminal activities, shall appear before the learned trial Court when the case would be posted for trial and shall not try to tamper with the prosecution witnesses. Violation of any of the conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo