

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8666 of 2021

Sanjeeb @ Sanjeeb Kumar Panda ***Petitioner***
Mr.Jibananda Mohanty, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr.G.R.Mohapatra, A.S.C.

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
25.03.2022

Order No.

03. 1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in S.T. Case No.18 of 2021 arising out of Jajpur Road P.S. Case No.200 of 2020 on the file of learned Additional District & Sessions Judge, Jajpur Road for commission of offences under Sections 498-A/302 of the Indian Penal Code.
4. The allegation against the petitioner is that the petitioner subjected the deceased to regular physical assault and ill-treatment demanding more dowry even after twelve years of their marriage. On different occasions by the intervention of the gentries, the matter was subsided. But, on 28.04.2020 the petitioner physically assaulted the deceased and forcibly administered poison, as a result of which, her condition became serious and during course of treatment she breathed her last.

5. Learned counsel for the petitioner submits that the allegation as made against the petitioner, is false and omnibus in nature. From the post-mortem report it reveals that the victim died of coronary artery diseases and its complications and natural disease process. There is absolutely no material evidence to show that the present petitioner is involved in the said commission of offence as alleged. It is also submitted that the petitioner has been languishing in custody since 05.05.2020 without trial. Though the trial is in progress substantially, the completion of trial is still awaited for long time.

6. Learned counsel for the State though opposed the bail prayer of the petitioner but he is in sync with the submission as made by learned counsel for the petitioner.

7. Having scrutinized the case record, this Court is of the opinion that the petitioner deserves to be released on bail. Accordingly, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

i. the petitioner shall appear before the learned trial court on each date of posting of the case;

ii. he shall not indulge himself in any criminal offence while on bail; and

iii he shall not tamper with the evidence of the prosecution evidence in any manner.

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of.

10. Issue urgent certified copy of this order as per Rules.

(S.K.Panigrahi)
Judge

LB

