

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9355 of 2021

Katia Marndi

.... ***Petitioner***
Mr. S. Hota, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
23.11.2022

Order No.

- 08.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with C.T. Case No.488 of 2021 arising out of Baisinga P.S. Case No.188 of 2021 pending in the file of learned J.M.F.C., Betnoti for commission of offences punishable under Sections 302/34 of IPC, on the allegation of committing murder of the deceased.
 3. In the course of hearing of the bail application, Mr. S. Hota, learned counsel for the petitioner submits that there is no iota of evidence available against the petitioner and the petitioner is languishing in jail custody since 17.06.2021, but trial is yet to commence. It is also submitted by him that if the allegations on record are taken to be true, no case U/S.302 of IPC is attracted

against the petitioner in view of the fact that the deceased had entered into the house of the sister-in-law of the petitioner in the dead of night with evil intention and the petitioner might have assaulted in a fit state of anger finding the deceased ill intention and, therefore, at best a case U/S.304 Part-II would be attracted against the petitioner. It is further submitted by him that since charge-sheet has already been submitted, there is hardly any chance of tampering the prosecution witnesses and it would not be in the interest of justice to detain the petitioner further in custody. It is accordingly prayed by him to enlarge the petitioner on bail.

4. On the contrary, learned counsel for the State, however, vehemently opposes the bail application of the petitioner and, he, by placing the statement of eye witness-Malli Marndi submits that the bail application of the petitioner may be rejected.

5. Considering the rival submissions made, nature and gravity of the accusations together with surrounding circumstances including the manner and circumstance in which the deceased was killed and the pre trial detention of the petitioner in custody and regard being had to the status of the petitioner as a tribal man and taking into consideration the other circumstance in entirety, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the

petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

Subhasmita

