

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10001 of 2021

Ahalya @ Kalyani Khuntia Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

Order No.

06.

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. in connection with Khandapada P.S. Case No.258 of 2018 corresponding to S.T. Case No.24/196 of 2019 pending in the Court of learned Additional Sessions Judge, Nayagarh for offences punishable under sections 302/201 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Nayagarh which was rejected on 25.10.2021.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on 11.04.2019 and her earlier bail application in BLAPL

No.1091 of 2020 was disposed of as per order dated 11.12.2020 and liberty was granted to the petitioner to renew the prayer for bail after examination of the material witnesses. It is further submitted that taking into account the health condition of the petitioner basing on the report obtained through the Superintendent of Sub-Jail, Nayagarh, this Court vide order 10.01.2022 in I.A. No.1319 of 2021 granted interim bail to the petitioner for a month and after availing the same, the petitioner surrendered at right time and at present, there is no such progress in the trial and therefore, the petitioner may be granted interim bail for some period.

Status report was called for as per order dated 08.04.2022 and the learned trial Court has furnished the same vide letter dated 21.04.2022 from which it appears that charge has been framed on 22.02.2021 and four witnesses have been examined.

Learned counsel for the State submitted that there are altogether twenty seven charge sheet witnesses.

Considering the submissions made by the learned counsel for the respective parties, the progress of trial so far, the conduct of the petitioner in complying with the earlier order of interim bail, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody and keeping in view the proviso to section 437(1) Cr.P.C., I am inclined to release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the

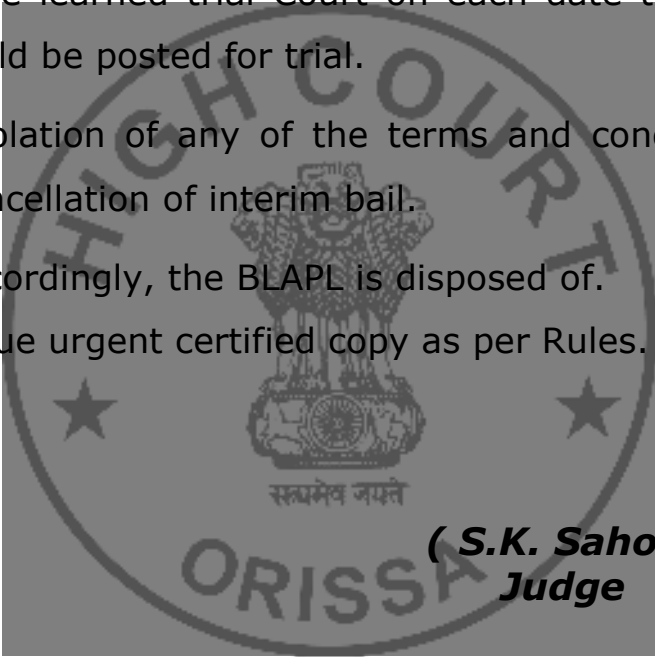
three months period.

For the above period, let the petitioner be released on interim 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 further terms and conditions as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and she shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

The seal of the Orissa High Court is a circular emblem. It features a central figure, likely a deity or a royal figure, seated on a throne. Above the figure is a crown or a similar headpiece. The figure is flanked by two stars. Below the figure is a banner with text in Odia. The words "HIGH COURT" are written in a semi-circle at the top, and "ORISSA" is written in a semi-circle at the bottom.

(S.K. Sahoo)
Judge

RKM