

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10182 of 2021

Pabitra Muduli

.... ***Petitioner***
M/s. J. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
M/s. D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER
05.09.2022

Order No.

05. 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 Khallikote P.S. Case No.16 of 2021 corresponding to G.R. Case No.29 of 2021 and after commitment renumbered as S.T. Case No.24 of 2021 pending in the Court of learned Addl. Sessions judge, Khallikote for commission of offence punishable U/Ss. 498-A/294/323/302/506/304-B/34 of I.P.C. read with Section 4 of D.P. Act.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside the custody since last one and half year and co-accused persons have already been released on bail. It is also submitted that there is no direct evidence available against the petitioner and co-accused persons standing on similar footing have already been enlarged on bail. On these submissions, learned counsel for the petitioner submits to release the petitioner on bail.
4. On contrary, learned counsel for the State by placing the findings of post-mortem report submits that the neck of the deceased was found to be

swollen and unusually mobile in the cervical region with palpable fracture of the cervical vertebrae and the injuries were opined to be ante mortem in nature and were consistent with the features of the application of rotational force around the neck of the deceased and the petitioner being the husband of the deceased is prime accused in this case and he thereby does not entitle himself for grant of bail.

5. Considering the nature and gravity of allegations and submissions made on behalf of the parties and, there being no direct eye-witness to the alleged crime and charge sheet having already been submitted in this case as well as admittedly co-accused persons having already been released on bail and the allegations in FIR being general in nature against all the accused persons and taking into consideration the nature of injuries sustained by the deceased and the period of detention of the petitioner since 16.1.2021 and no material being collected by the investigating agency to suggest that the petitioner would abscond or tamper evidence, this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released 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 trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial of the case and the petitioner shall attend the trial Court on each date of posting of the case unless their attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge