

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10348 of 2021

Tarini Mohanty* *Petitioner

Mr. D. Sarangi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.A.K. Beura,
Addl. Standing Counsel*

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

**ORDER
06.05.2022**

Order No.

03 .

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 Kabisuryanagar P.S. Case No.258 of 2018 corresponding to S.T. Case No.123 of 2020 pending in the Court of learned Addl. Sessions Judge, Kodala, Ganjam for alleged commission of offences under sections 498-A/302/304-B/506/34 of the Indian Penal Code read with section 4 of D.P. Act.

Learned counsel for the petitioner submitted that the petitioner who is the father-in-law of the

deceased Ashalata @ Nirmala Das is in judicial custody since 19.11.2018 and he has been charge sheeted under sections 498-A/302/304-B/506/34 of the Indian Penal Code read with section 4 of D.P. Act and when the petitioner approached this Court for bail in BLAPL No. 3756 of 2019, the same was rejected and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the learned trial Court. Similar order was passed when the petitioner moved for bail last time in BLAPL No.8457 of 2020. Learned counsel for the petitioner submitted that in the meantime, trial has commenced and out of thirty three charge sheet witnesses, only three witnesses have been examined so far and the last witness was examined on 05.01.2022 and since the petitioner is in judicial custody since 19.11.2018, the bail application of the petitioner may be favourably considered.

Learned counsel for the State submitted that one more material witness is yet to be examined.

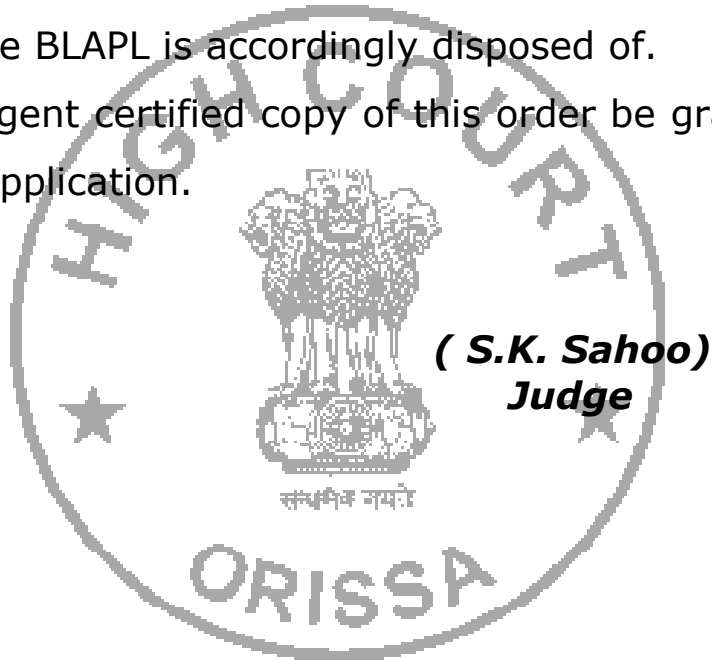
Considering the submissions of the learned counsel for the respective parties, the nature of evidence adduced so far in the trial Court, slow progress of the trial and the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released 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 other conditions as the learned Court may deem just and proper with further conditions that the petitioner shall he shall appear before the learned trial Court on each date on which the date would be fixed for trial and he shall not try tamper with the evidence and shall not indulge in any criminal activities.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.



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