

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11197 of 2021

Saroj Naik @ Saroj Kumar Naik ***Petitioner***
Mr. A.K. Nath, Advocate
-versus-

State of Odisha ***Opposite Party***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.07.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary, the statement of the witnesses and other relevant documents on record.
 4. This is an application under Section 439 of the Criminal Procedure Code.
 5. The petitioner is an accused in C.T(SS) Case No.92 of 2021 arising out of Motanga P.S. No.180 of 2021 pending in the court of learned Assistant Sessions Judge, Dhenkanal for commission of offence punishable under Sections 498-A/302/34, I.P.C. and subsequently charge-sheet has been submitted under Sections 498-A/306/34, I.P.C. read with Sections 66-E/67 of the I.T. Act.
 6. The prosecution allegation, in a nutshell, is that one Chandan Naik got married the informant's daughter since 8 years back and after

marriage, she was tortured both physically and mentally by the said Chandan Naik and his family members. It is alleged that on 10.07.2021 in the night the said Chandan Naik and his family members including one Agadhu assaulted the informant's daughter and forcibly administered poison to her and on the next day her husband left her in the house of the informant. It is further alleged that the informant shifted her to Angul Hospital and thereafter to S.C.B. Medical College and Hospital, Cuttack and that during treatment she died and after post-mortem examination, the husband of the deceased took away the dead body in a vehicle and threatened the informant. Hence, this case.

7. Learned counsel for the petitioner submits that the petitioner is in custody since 11.09.2021 and in the meantime, investigation has been concluded and charge-sheet has already been submitted by the Investigating Officer. It is further submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case and the due to domestic quarrel between the husband and wife, the wife of the committed suicide. Further, it is submitted by learned counsel for the petitioner that the nude photograph of the deceased viralled and the petitioner has been falsely entangled in this case.

8. Further, learned counsel for the petitioner submits that as per allegations made in the F.I.R. is false and frivolous and there is no scope for absconding or fleeing away from the hands of the justice, as the petitioner is a permanent resident of the locality.

9. Learned counsel for the State, vehemently, opposes the prayer for bail of the petitioner on the ground that the alleged crime is heinous in nature. Therefore, he prays for rejection of the bail application of the Petitioner. He also submits that in the event the petitioner released on bail, he might threaten / influence the prosecution witnesses particularly the victim. Further, he submits that in the event this Court

is inclined to release the petitioner on bail, some stringent terms and conditions may be imposed.

10. Having heard the learned counsels for the parties, considering the nature of allegation, materials are available on record and the period of custodial detention of the petitioner, it is directed that let the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. He shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the victim or her family members in any manner whatsoever;
- III. He shall not make any default in attending the court during trial on each date; and

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

11. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

12. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

