

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.11269 OF 2021**

***Sankar Sahu***

....

***Petitioner***

Mr.K.K. Mishra, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Miss. A. Rath, ASC

**CORAM:**

**MR. JUSTICE D.DASH**

**Order No.**

**Order**

01.

**24.02.2022**

1. The matter is taken up through hybrid arrangement (virtual/ physical) mode.

2. This is the successive journey of the Petitioner, who is in custody in connection with Bhanjanagar P.S. Case No.34 of 2015 corresponding to G.R. No.61 of 2015 further corresponding to S.T. Case No.136 of 2015 on the file of learned Additional Sessions Judge, Bhanjanagar running for alleged commission of offence under section 498-A/302/406/304-B/34 of the IPC read with section 4 of D.P. Act, in filing this application under section 439 Cr.P.C., has prayed for his release on bail.

3. Learned counsel for the Petitioner submits that although the Petitioner is in custody since 2015, the trial of the case still going on where out of thirteen (13) witnesses, only nine (9) have been examined and that too, the last witness had been examined prior to the disposal of the earlier bail application on 05.08.2021. He submits that the case is based on circumstantial evidence and the Petitioner has been charged for having intentionally caused the death of his wife by throttling. It is submitted that the old parents of the Petitioner are dependent upon this Petitioner and being

released on bail with much difficulty; somehow managed their living till now which is, however, no more possible on their part without the help of this Petitioner. In view of all these above, he urges for grant of bail to this Petitioner.

Learned counsel for the State opposes the move. According to her, the circumstances emanating from the materials collected in course of investigation are clinching and those being joined together with further aid of the provision of section 106 of the Evidence Act as there remains no explanation for the Petitioner, prima facie the chain is getting completed.

4. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the long period of detention of the petitioner in custody and tardy progress of the trial; while being not inclined to reconsider the prayer for grant of regular bail to the Petitioner; it is directed that the petitioner be released on interim bail till 31.05.2022 in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he shall appear in person before the court in seisin of the case on each and every date of posting of the case during the period of interim bail; shall not leave the jurisdiction of the Court in seisin of the case without prior permission and shall surrender before court below on 01.06.2022 without fail.

Violation of any of the above condition(s) shall entail cancellation of bail.

It is further observation that the Court below would take all such effective steps, as provided in law, for early conclusion of the trial.

4. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

***(D. Dash),  
Judge.***

*Basu*

