

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11278 of 2021

Nityananda Mandal

....

Petitioner

Mr. Manoj Bihari Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

31.3.2022

Order No.

- 07.
1. Heard Mr. M.B. Das, learned counsel for the Petitioner and Ms. S. Mishra, learned Additional Standing Counsel.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Nityananda Mandal in connection with Jamboo Marine P.S. Case No.69 of 2019 corresponding to S.T. Case No.325 of 2019 (G.R. Case No.1101 of 2019) pending in the court of learned Additional Sessions Judge, Kendrapara for alleged commission of offence under Sections 498(A)/302/506/34 of the Indian Penal Code and under Section 4 of DP Act.
 3. It is submitted on behalf of the Petitioner that he is inside custody since 29th September, 2019 and in the meantime four witnesses have been examined in course of trial including key witnesses namely, Basanti Mandal and Panchanan Majhi. Those witnesses have turned hostile and did not support the prosecution version.

4. Ms. Mishra, learned Additional Standing Counsel for State objects the prayer for bail by submitting that other vital witnesses are there also to be examined.

5. Having heard both parties and considering the evidence adduced by P.Ws.1 to 4 as well as the circumstances of the case, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence and shall attend the trial court on each date fixed.

6. The certified copies of depositions of P.W.1 to P.W.4 as filed by the Petitioner are kept on record.

7. The BLAPL is disposed of.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge