

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11340 of 2021

Ranjan Kumar Dalai

....

Petitioner

M/s. D.Nayak, Sr. Advocate

-versus-

State of Orissa

....

Opp. Party

M/s. S.N.Das, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

25.08.2022

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 Jagatsinghpur P.S. Case No.387 of 2021 corresponding to C.T. Case No.198 of 2021 pending in the Court of learned Sessions Judge, Jagatsinghpur for commission of offence punishable under Sections 498-A/304B/306/406/506/34 I.P.C. read with Section 4 of D.P. Act.
 3. In the course of hearing of bail application, Mr.D.Nayak, learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has already been in custody for more than one year and the offences having not made out against the petitioner and charge sheet having submitted in this case, there remains nothing to justify the further detention of the petitioner in custody. On these submissions, it is advanced on behalf of the petitioner to release him on bail on any conditions.
 4. In reply, learned counsel for the State while opposing the prayer for bail of the petitioner submits that the deceased died otherwise in normal circumstances within three months of her

marriage in her matrimonial home and the petitioner being husband of the deceased thereby is not entitled to bail in these circumstances.

5. On coming back to the materials placed on record, it is not in dispute that the petitioner is in custody since more than one year and charge sheet has already been submitted in this case for offences under Sections 304(B) and 306 of the I.P.C. along with some other offences but the petitioner has not been charge sheeted for offence under Section 302 of the I.P.C.

6. Considering the nature and gravity of accusation coupled with facts narrated above and regard being had to the pre-trial detention of the petitioner and release of co-accused persons on bail and charge sheet having been submitted in this case and further no materials being produced by the prosecution to justify further detention of the petitioner or to suggest that the petitioner would abscond or tamper with evidence in this case in case of enlargement bail, this Court considers the bail application of the petitioner favourably.

7. Hence, the prayer for bail of the petitioner stands allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with further condition that the petitioner shall attend the learned trial Court on each date of posting, unless his attendance is dispensed with by the learned Court and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

8. Accordingly, the BLAPL stands disposed of.

(G. Satapathy)
Judge