

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11524 of 2021

Babula Kumar Senapati

....

Petitioner

Mr. G.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

4.4.2022

Order No.

06. 1. Heard Mr. G.K. Mohanty, 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 Babula Kumar Senapati in connection with Chamakhandi P.S. Case No.7 of 2019 corresponding to S.T. Case No.7 of 2020 (G.R. Case No.26 of 2019) pending in the court of learned Additional Sessions Judge, Chatrapur for alleged commission of offence under Sections 498(A)/302/406/34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.
3. It is submitted that though the Petitioner is inside custody since 30th January, 2019 but till date charge has not been framed. It is further submitted that the statement of the child witness on which the entire prosecution case is based is not clear to the effect that the assaults were intended to kill the deceased. It is further submitted that the statement of the said child witness is not specific.

4. Ms. Mishra, learned ASC opposes the prayer for bail by submitting that the nature of injuries detected on the person of the deceased is consistent with the statement of the child witness.

5. After hearing both parties and considering the long detention of the Petitioner inside custody as well as the delay in commencement of trial and the surrounding circumstances of the case, it is directed to release the 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 BLAPL is accordingly disposed of.

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

(B.P. Routray)
Judge