

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11588 of 2021

Bimbadhar Patra

.... ***Petitioner***
Mr. S. Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER

05.09.2022

Order No.

- 02.
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 Harichandanpur P.S. Case No.53 of 2021 corresponding to G.R. Case No. 733 of 2021 and the matter has been committed in S.T. Case No.39 of 2021, pending in the learned Court of Sessions Judge, Keonjhar for commission of offences punishable under Sections 302/34 of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that if the entire allegations appearing against the petitioner are taken to be true, no offence under Section 302 of I.P.C. is made out and at best a case under Section 304 of the I.P.C. can be stated to be made out, but the petitioner having not committed any offence, may kindly be enlarged on bail.
 4. On contrary, learned counsel for the State forcefully submits that the petitioner being involved in a case under Section 302 of I.P.C. and he being the husband of the deceased, should not be enlarged on bail.

5. Considering the submissions advanced on behalf of the parties and taking into consideration the pre trial detention of the petitioner since 16.05.2021 and no material being produced to indicate any past criminal antecedent of the petitioner and keeping in view the personal liberty of the petitioner and regard being had to the nature, character and strength of supporting materials collected by the investigating agency and the manner of alleged commission of crime vis-a-vis the surrounding circumstances, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- 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 with further conditions that the petitioner shall attend the trial Court on each date of trial without fail unless his attendance is dispensed with by the learned trial Court and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita