IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6997 of 2024

Babu @ Biswapriya Gouda **.....** ***Petitioner***

Represented By Adv. – Gopal Krishna Behera, Advocate.

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented By Adv. – Mr. P. Satapathy, ASC

CORAM:
THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA
ORDER
11.12.2024

Order No.

04. 1. This matter is taken up through hybrid mode.

2. This bail application under Section 439 of the Cr.P.C., filed by the petitioner has arisen out of S.T. Case No.110 of 2024 in connection with Bellaguntha P.S. Case No.456 of 2023 pending before the learned Addl. Sessions Judge, Bhanjanagar, Ganjam.

3. I have already heard from the learned counsel for the petitioner and learned ASC for the State.

4. The petitioner is facing trial in the Court of learned Addl. Sessions Judge, Bhanjanagar in S.T. Case No.110 of 2024 having been charged under Sections 302,404 & 450 of the IPC, 1860 on the allegation of commission of murder of the deceased Madan Mohan Padhi administering poison through liquor.

5. The learned counsel for the petitioner submitted for liberal consideration of his bail contending that, the petitioner has been implicated into the case on the basis of the viscera report, as it came

out from the viscera report of the deceased about the presence of *Organophosphorus Insecticidal poison* as the cause of his death, but there is no material that, the petitioner had mixed poison into the liquor, to which, the deceased had consumed. The learned ASC for the State objected the bail of the petitioner contending that, as the trial of the case is going on and everything will be unfolded during trial, for which, he (petitioner) should not be allowed to go on bail at this stage.

6. When the petitioner is in jail custody since 24.01.2024 for about 11 months and when during the staying of the petitioner inside the jail, the investigation of the case has already been completed and when the petitioner has been implicated on the basis of viscera report and when the presence of the petitioner during trial is not unsecured as, he is a local man having his house and homestead under the jurisdiction of Bellaguntha P.S. in the district of Ganjam, then, at this juncture, instead of rejecting the bail application of the petitioner, it is felt proper to allow him (petitioner) to go on bail with stringent conditions.

7. Hence, the bail application filed by the petitioner is allowed.

8. He (petitioner) is allowed to go on bail on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with conditions that :-

> *(i)he (petitioner) shall not involve with similar nature of crime in future;*
>
> *(ii)he (petitioner) shall not terrorize, coerce, influence or threat any witnesses of the*

prosecution including the informant and his/her family members either directly or indirectly in any manner whatsoever at any stage of the proceeding of the case;

(iii)he (petitioner) shall appear before the Trial Court personally in each date of adjournment of the case without fail till its conclusion; but in case of his failure to comply any of the aforesaid conditions, the court in seisin over the matter is authorized to cancel his bail order out-rightly without seeking any permission for the same from this Court.

9. Accordingly, the bail application filed by the petitioner is disposed of finally making it clear that, the observations made in this bail order cannot be used by the petitioner in the trial and the trial court shall not use any observation of this bail order during trial, because, the observations made in this bail order are only for the purpose of bail.

10. Grant certified copy of this order to the petitioner on proper application.

(ANANDA CHANDRA BEHERA)
Judge

Rati Ranjan

Signature Not Verified
Digitally Signed
Signed by: RATI RANJAN NAYAK
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack, India
Date: 12-Dec-2024 15:58:13