IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8877 of 2024

Biswajit Kalas @ Biswojit Kalas … ***Petitioner***

Mr. J. Sahoo, Advocate

-versus-

State of Odisha … ***Opposite Party***

Mr. B.P. Nayak, APP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
19.12.2024

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This is a bail application U/S.483 of BNSS, 2023 by the Petitioner for grant of bail in connection with Tangi P.S. Case No. 557 of 2024 corresponding to G.R. Case No.520 of 2024 pending in the file of learned NGN-cum-JMFC, Tangi for commission of offences punishable U/Ss. 85/296/64/62/115(2)/89/351(2)/3(5) of BNS r/w. Section 4 of DP Act, on the allegation of assaulting and subjecting his wife(Informant) to torture and cruelty for demand of dowry and also supporting his father who attempted to commit rape upon the victim.

3. Heard, Mr. Jyotirmaya Sahoo, learned counsel for the Petitioner and Mr. B.P. Nayak, learned APP in the matter and perused the record.

4. After having considered the rival submissions and taking into account the nature and gravity of offence as alleged against the Petitioner vis-à-vis the

accusations sought to be brought against him and regard being had to the pre-trial detention of the Petitioner in custody since 08.08.2024 and the allegation of attempting to commit rape upon the victim being directed co-accused father-Basanta Kalas, who has already been granted bail by this Court in BLAPL No.8851 of 2024 and keeping in view the well-recognized principle of "bail is the rule, but jail is the exception", this Court without expressing any opinion on merits of the case admits the Petitioner to bail.

5. Hence, the bail application of the Petitioner stands allowed and he is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) only with one solvent surety 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 following conditions:-

> *(i) the petitioner shall not commit any offence while on bail,*
>
> *(ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with**. In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioners for offence U/S.229-A of IPC in accordance with law** and*
>
> *(iii) the petitioner shall not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case by intimating his present address of stay.*

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for grave/similar offence on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge

S. Sasmal

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA SASMAL
Designation: Jr.Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 20-Dec-2024 11:04:18