IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11784 of 2024

Kailash Pradhan … ***Petitioner***

Mr. B.P. Panda, Advocate

-versus-

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

Mr. J.K. Bal, APP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
19.12.2024

Order No.

02. 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 Kanas P.S. Case No. 221 of 2024 corresponding to G.R. Case No.382 of 2024 pending in the file of learned JMFC, Kanas for commission of offences punishable U/Ss. 85/126(2)/115(2)/82(1)/91/351(2)/3(5) of BNS, on the allegation of subjecting his wife to torture and cruelty by assaulting her and remarrying another lady.

3. Heard, Mr. Beda Prakash Panda, learned counsel for the Petitioner and Mr. J.K. Bal, learned Additional Public Prosecutor 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 12.09.2024 with progress of investigation and the allegation against the Petitioner being omnibus in nature and taking into account the other circumstances on record in entirety including the well recognized principle, "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.50,000/- (Rupees FiftyThousand) 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 Petitioner for offence U/S.229-A of IPC in accordance with law**,*
>
> *(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,*
>
> *(iv) the petitioner shall report attendance before the Jurisdictional Police Station once in a fortnight preferably on 2nd*

Sunday of each month in between 10 A.M. to 12 Noon for six (06) months from the actual date of release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

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

Priyajit

Signature Not Verified
Digitally Signed
Signed by: PRIYAJIT SAHOO
Designation: Jr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 20-Dec-2024 16:05:01