

03. 28.06.2019

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 Cr.P.C. in connection with Umerkote P.S. Case No.194 of 2016 corresponding to C.T. Case No.224 of 2016 pending in the Court of learned Sessions Judge, Nabarangpur, Umerkote for alleged commission of offence under sections 498-A and 302 of the Indian Penal Code.

The petitioner moved his application for bail before the learned Addl. Sessions Judge, Umerkote, which was rejected on 02.05.2019.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 03.06.2016 and he has been charge-sheeted under sections 498-A and 302 of the Indian Penal Code. It is further submitted that out of 31 charge-sheeted witnesses, 24 witnesses have already been examined and no material is there against the petitioner and since the local bar members are not cooperating in the trial of the cases, the bail application of the petitioner may be favourably considered.

Learned counsel for the State after going through the evidence of the witnesses examined during trial so far submitted that one more witness, namely, Shemlal Gouda, who is the son of the petitioner and the deceased, is yet to be examined and he is an eye witness to the occurrence.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner, period of detention of the petitioner in judicial custody and the situation, which is prevailing in the Courts at Nabarangpur, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.20,000/- (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter and with further conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

.....  
**S.K.Sahoo, J.**

PKSahoo