

**Nabaghan Mallik**

.....  
-Vrs.-

**Petitioner**

**State of Odisha**

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**Opp. Party**

05. 30.09.2020

This matter is taken up through Video Conferencing.

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

This is an application under section 439 of Cr.P.C. in connection with S.T. Case No.209 of 2019 arising out of Patkura P.S. Case No.26 of 2019 pending in the Court of learned Addl. Sessions Judge, Kendrapara for offences punishable under sections 498-A/302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Kendrapara which was rejected on 03.12.2019.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 12.02.2019 and in the meantime trial has already commenced and out of twenty eight charge sheet witnesses, ten witnesses have already been examined including the informant and the family members of the deceased and they have not supported the prosecution case, rather they have stated that the deceased died as she was suffering from tuberculosis and therefore, the bail application may be favourably considered.

Learned counsel for the State does not dispute that the witnesses examined during the trial have not

supported the prosecution case.

Perused the report of the learned Addl. Sessions Judge, Kendrapara dated 04.09.2020 and also the evidence copy of the ten witnesses sent by the learned trial Court.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence appearing on record and the fact that the informant and other witnesses examined so far have not supported the prosecution case and declared hostile by the prosecution and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000.00 (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order is granted on proper application.

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

