



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7110 of 2024

***Kartika Bagarti @
Kartika Bagarty*** ***Petitioner***

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. S.K. Nayak, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

31.07.2024

Order No.

- 01.** 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with Sessions Case No.45/16 of 2023 pending on the file of learned 2nd Additional Sessions Judge, Balangir, arising out of **Deogaon P.S. Case No.61 of 2023** for commission of offence alleged under Sections 498-A/304-B/306/34 of IPC read with Section 4 of D.P. Act.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. case is pending in any other Court.



4. Being aggrieved by the rejection of his application for bail U/s.483 of the [Bharatiya Nagarik Suraksha Sanhita](#) (BNSS) by the learned 2nd Additional Sessions Judge, Balangir by order dated 02.07.2024 in the aforementioned case, the present BLAPL has been filed.

5. This is the fourth journey of the Petitioner to this Court. Earlier the bail applications of the Petitioner were disposed of by orders dated 18.07.2023, 04.10.2023 & 28.06.2024 in BLAPL Nos.6362 & 10589 of 2023 & BLAPL No.2671 of 2024 respectively.

6. It is submitted by the learned counsel that the Petitioner is in custody since 29.03.2023 (wrongly mentioned as 28.03.2023 in order dated 04.10.2023 in BLAPL No.10589 of 2023) and charge sheet has been filed on 25.07.2023.

7. The attention of this Court is drawn to the order rejecting the bail application of the Petitioner in BLAPL No.10589 of 2023 by order dated 04.10.2023 and it is submitted that in the said order, liberty was granted to renew the prayer after examination of C.W.2-Bharat Hati, brother of the deceased and it is also stated that C.W.35 whose statement was also referred to in the earlier order of rejection was declined to be examined by the prosecution.



8. The deposition of C.W.2-Bharat Hati examined as P.W.1 is on record and apart from it the depositions of other 12 witnesses have already been placed on record.

9. Referring to the same, learned counsel for the Petitioner seeks release.

10. Learned counsel for the State opposes the prayer for bail.

11. Considering the evidence on record and period in custody, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

12. It is needless to state here that the observations made herein are only for the purpose of consideration of bail and ought not to be understood as this Court expressing any opinion regarding the complicity of the Petitioner and the same has to be adjudicated independently in the impending trial.

13. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the learned Court in seisin.



14. It is further directed that the Petitioner shall not in any way try to intimidate the informant and his family.

15. It shall be open for the informant/Prosecution to seek variance of this order in the event there is any threat perception.

16. Accordingly, the BLAPL stands disposed of.

17. Urgent certified copy of this order be granted as per rules.

Ayesha

(V. NARASINGH)
Judge

Signature Not Verified

Digitally Signed
Signed by: AYESHA ROUT
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 01-Aug-2024 17:06:29

