

(2024) 07 OHC CK 0040

Orissa High Court

Case No: Bail Application No. 5755 Of 2024

Benudhar Jagat

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: July 1, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 294, 420, 506

Hon'ble Judges: Savitri Ratho, J

Bench: Single Bench

Advocate: Nihar Ranjan Sahoo, S.K.Dwibedi, S.S.Mohapatra

Final Decision: Disposed Of

Judgement

Savitri Ratho, J

I.A. No. 665 of 2024

1. This is the second application of the petitioner under Section 439 of Cr.P.C. in connection with Patnagarh P.S. Case No. 210 of 2023 corresponding to G.R. Case No. 833 of 2023 in the Court of the learned S.D.J.M., Patnagarh under Sections 420, 294, 506, 34 of IPC.

2. The earlier application BLAPL No. 13462 of 2023 filed by the petitioner and his son Hemanta Jagat had been dismissed by me on 15.12.2023 granting liberty to the petitioner to move for bail afresh after completion of investigation. Thereafter the prayer for bail of the co-accused Hemanta Jagat has been allowed in BLAPL No. 4315 of 2024 on 17.05.2024.

3. This I.A. has been filed for releasing the petitioner on interim bail on the ground that his father Hiradhar Jagat died on 28.05.2024 and as the petitioner is the only son the obsequies of his father could not be performed as both he and his son are in custody.

4. The letter of the Sarapanch of Karangamal Gram Panchayat dated 29.05.2024 and a document purportedly signed by the Karangamal Anganwadi Worker stating that Hiradhar Jagat, father of the petitioner died on 28.05.2024 have been enclosed with the I.A.

5. The case was listed on 28.06.2024 and the learned State Counsel had been directed to obtain instructions.

6. Mr.S.S.Mohapatra, learned Addl. Standing Counsel has submitted the instructions received from the IIC Patnagarh P.S. Bolangir where it has been stated that on telephonic enquiry he has ascertained from IIC Boden P.S., District Nuapada and from Sri Ramlal Panda, Sarpanch of Karangamal G.P, Boden Block, Dist:Nuapada, and Gitanjali Kumbhar, wife of Benudhar Kumbhar of Karangamal, P.S., Boden, Dist:Nuapada that Shri Harihar Jagat, father of the petitioner has died on 28.05.2024 and they have not performed funerals (rituals of death) of Shri Harihar Jagat as yet. The said instruction is taken on record.

7. Considering the submission that the father of the petitioner has died on 28.05.2024 and his obsequies could not be performed as the petitioner is in custody, I am inclined to release the petitioner on interim bail to perform the obsequies of his father.

8. The petitioner- Benudhar Jagat shall be released on interim bail till 18.07.2024 by the learned Court below in seisin over the matter in connection with the aforesaid case, on such terms and conditions as deemed fit and proper, including the following conditions:

(i) He shall not indulge in any criminal activity.

(ii) He shall not try to tamper with evidence or influence prosecution witnesses.

(iii) He will remain present in the trial Court on each date it is fixed for trial.

(iv) He shall deposit cash of Rs.50,000/- (Rupees fifty thousand) which shall be released in favour of the informant. The deposit and release which shall be without prejudice to his defence in the trial.

(v) Immediately after expiry of the period of the interim bail, he shall surrender before the learned Court below.

9. Violation of any condition will entail in cancellation of interim bail.

10. The I.A. is accordingly disposed of.

11. Urgent certified copy of this order be granted on proper application.

BLAPL No. 5755 of 2024

12. Perusal of the order dated 28.06.2024 reveals that there are typographical errors in paragraphs-4 and 6 of the order where the date of death of the father of the petitioner has been typed as "28.05.2023" instead of "28.05.2024".

13. Order dated 28.06.2024 is corrected. The corrected order be uploaded in the website.

14. List this matter on 26.07.2024.

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