

Misc. Case No.101 of 2015
08.10.2015

Heard learned counsel for the appellant and learned Additional Government Advocate in support of and opposition to the bail prayer of the appellant-Susanta Kumar Sahoo.

It is contended by learned counsel for the appellant that in all likelihood the appellant cannot be said to have committed the crime because it was he took the deceased to the hospital after finding injuries on her body. The further submission of learned counsel for the appellant is that all the eye witness have turned hostile and only basing upon presumption under section 113B of the Evidence Act the conviction has been recorded. It is also contended that since the trial court has acquitted the appellant of the charges under Sections 498-A and 304-B of the Indian Penal Code, probably Section 113B of the Evidence Act could not have been pressed into service to convict the appellant under section 302, IPC. The appellant is in jail since 24.11.2012 and chance of the appeal being heard and disposed of in near future is very bleak.

Learned Additional Government Advocate, on the other hand, urges that but for the appellant nobody else has committed such a ghastly crime.

Without entering into the merits of the matter any further at this stage, but looking to the entire facts and circumstances, we consider it appropriate to enlarge the appellant on bail.

Let the appellant-Susanta Kumar Sahoo be released on bail on furnishing personal bond for Rs.20,000/- (Rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Additional Sessions Judge, Dhenkanal in connection with C.T.(SS) Case No.74 of 2013/58 of 2013 (State Vrs. Susanta Kumar Sahoo and others, under Sections 498-A/302/304-B/34, IPC).

The Misc. Case is disposed of.

Vinod Prasad, J.

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R. Dash, J.

Misc. Case No.102 of 2015
Realisation of the fine amount shall remain stayed till disposal of the appeal.
The Misc. Case is disposed of.

Vinod Prasad, J.

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R. Dash, J.

