

(2023) 06 OHC CK 0060
In the Orissa High Court
Case No : Criminal Appeal No. 586 Of 2022

Tarini Pradhani & Others

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 13-06-2023

Acts Referred:

Indian Penal Code, 1860 — Section 302

Citation : (2023) 06 OHC CK 0060

Hon'ble Judges : R.K.Pattanaik, J;S. K. Mishra, J

Bench : Division Bench

Advocate : Suryakanta Dash, J. Katikia

Final Decision : Disposed Of

Judgement

I.A. No.1348 of 2023

1. Heard Mr. Dash, learned counsel for the petitioners and Mr. Katikia, learned Additional Government Advocate for the State-opposite party.

2. Instant petition is filed for and on behalf of petitioner No.3 seeking his release on interim bail for a period of twelve weeks in order to enable him to receive proper care and better treatment and on such other grounds stated therein.

3. Mr. Dash, learned counsel of the petitioner submits that the petitioner No.3 is one of the appellants and husband of the deceased stands convicted under Section 302 of the I.P.C and other allied offences and he is in judicial custody on and from 19th April, 2022 and currently under treatment at SCB Medical College and Hospital, Cuttack on a reference from Sahid Laxman Nayak Medical College and Hospital, Koraput since diagnosed with 'Left Parital Lobe Tuberculoma'. It is further submitted that petitioner No.3 is financially weak and suffering from multiple health disorders and considering the same, he should be released on interim bail for a period of twelve weeks for receiving effective treatment for the alleged illness.

4. Mr. Katikia, learned AGA for the State produced a copy of the correspondence dated 12th June, 2023 received from the I.I.C., Koraput Town P.S. addressed to the office of the learned Advocate General, Odisha, Cuttack and fairly admits the fact that petitioner No.3 suffers from various health disorders.

5. In fact, this Court by order dated 8th June, 2023 had directed the State to obtain instruction on the plea of interim release of petitioner No.3. In response to the said order, the intimation has been received by the office of the learned Advocate General, Odisha, Cuttack from the local P.S. and placed on record today stating therein the fact that petitioner No.3 suffers from various health disorders and also he is in dire need of prolong treatment indicating further about his poor economic condition.

6. Having gone through the intimation dated 12th June, 2023 and considering the submissions of the learned counsels for the respective parties and the fact that petitioner No.3 is presently suffering from chronic health disorders and needs prolong treatment, the Court is of the view that worthy purpose would be served to release him on interim bail for a period of twelve weeks as has been pleaded for so as to enable him to avail better medical treatment and facilities elsewhere.

7. Accordingly, it is ordered.

8. In the result, the petition stands allowed directing enlargement of petitioner No.3 on interim bail for a period of twelve weeks effective from the date of actual release for the reasons stated hereinabove with a direction that he shall surrender before the court below on expiry of the stipulated period without fail. It is also directed that the details of the treatment which is likely to be availed of by petitioner No.3 shall be furnished to the local P.S on a regular basis.

9. The IA is accordingly disposed of.

10. A free copy of this order be served on Mr. Katikia, learned AGA for the State for reference.

11. An urgent copy of this order be issued to Mr. Dash, learned counsel for petitioner No.3 as per rules and in course of the day..

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