

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6 of 2021

Kapila @ Kapilesh Bhoi* *Petitioner

Mr.S.K.Dash, Advocate

-versus-

State of Odisha* *Opp. Party

Mr.J.P. Patra,

Addl. Standing Counsel

Mr. M.K. Mohapatra, Advocate
(for the informant)

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

31.03.2022

08. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioner and the learned counsel for the State as well as learned counsel for the informant.

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.11/33 of 19/18 arising out of Puri Town P.S. Case No.03 of 2017 pending in the Court of learned 3rd Addl. Sessions Judge, Puri for alleged commission of offences punishable under sections 302, 307, 324, 201/34 of the Indian Penal Code and sections 25(1-A) and 27 of the Arms Act.

The petitioner moved an application for bail before the

Court of learned 3rd Addl. Sessions Judge, Puri, which was rejected on 04.12.2020.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 12.01.2017 and in spite of the fact that more than five years have passed since then and the trial has commenced but out of total thirty nine charge sheet witnesses, only eleven witnesses have been examined till date and in view of the inordinate delay in disposal of the trial, the petitioner may be granted interim bail.

Status report was called for from the learned trial Court and the report dated 18.02.2022 has been received, which indicates that eleven witnesses have been examined and the post of Presiding Officer is lying vacant since 04.11.2021.

Learned counsel for the State, on the other hand, opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the slow progress of trial, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release.

For the above period, let the petitioner be released on interim bail in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and

proper including the conditions that while on interim bail, the petitioner shall not come in contact with the prosecution witnesses and tamper with the evidence and shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge



PKSahoo