

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.113 of 2022

Gada @ Gadadhar @ **Petitioner**
Gandharba @ Dasarathi
Nayak

Mr.J. Kamila, Advocate

-versus-

State of Odisha **Opp. Party**

Mrs.Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
20.05.2022

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Baghamari P.S. Case No. 55 of 2020 corresponding to S.T. Case No. 101 of 2021 pending in the Court of learned 1st Addl. Sessions Judge, Khurda for offences punishable under sections 458 and 395 of the Indian Penal Code, section 25 of the Arms Act and sections 3 and 4 of Explosive Substances Act.

The petitioner moved an application for bail

before the Court of learned 1st Addl. Sessions Judge, Khurda, which was rejected on 22.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.06.2020 and he approached this Court for bail in BLAPL No.7839 of 2020, which was rejected as per order dated 05.04.2021 and liberty was granted to him to renew the prayer for bail after examination of the identifying witnesses in the learned trial Court. Learned counsel for the petitioner further submitted that till date, no charge has been framed and some of the co-accused persons have been released on bail and therefore, in view of the period of detention of the petitioner in judicial custody, the petitioner bail application may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 06.05.2022 and the learned trial Court has furnished the same vide letter dated 13.05.2022, from which it appears that charge could not be framed due to non-appearance of the accused persons on 17.03.2022, 08.04.2022 and 29.04.2022 and no coercive steps also could be taken against them as the local bar members had prayed for accommodation.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, at

this stage, 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 and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in 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 that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge