

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.122 of 2022

Okil Ray @ Yadav* *Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
06.12.2022**

Order No.

08. 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 C.T. (Sessions) Case No.69 of 2019 arising out of Brajarajnagar P.S. Case No.139 of 2019 pending in the Court of learned Sessions Judge, Jharsuguda for offences punishable under sections 120-B/ 302 of the Indian Penal Code read with sections 25/27 of the Arms Act.

The prayer for bail of the petitioner was rejected by the learned Sessions Judge, Jharsuguda vide order dated 26.08.2021.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 26.07.2019 and his earlier bail application in BLAPL No.5484 of 2020 was rejected as per the order dated 04.01.2021. It is further submitted that in the meantime, trial has commenced and out of fifty five charge sheet witnesses, six witnesses have been examined and P.W.6 Biswanath Behera is an eye witness to the occurrence, however, he has not attributed any specific overt act against the petitioner rather he stated that accused Gurmit so also Bulu fired gunshot on the deceased Amit Dhala for which he sustained injury. Learned counsel further submitted that in view of the nature of evidence adduced so far by the prosecution in the trial Court and since P.W.6 has stated that only the petitioner accompanied the co-accused persons, who fired gunshot on the deceased Amit Dhala and the petitioner has no criminal antecedent and he is a permanent resident of village Gwalapada under Brajarajnagar police station in the district of Jharsuguda, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, who received the deposition copies of the witnesses from the learned counsel for the petitioner, after going through the same fairly submitted that P.W.6 has not attributed any specific overt act against the petitioner in the assault of the deceased.

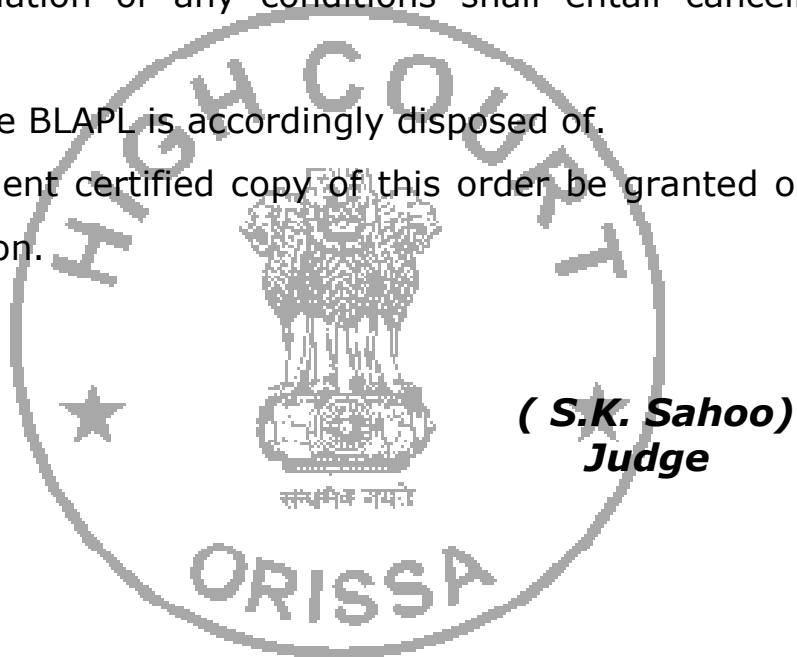
Considering the submissions of the learned counsel for the respective parties, the nature of evidence adduced so far in the trial Court and taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on 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 such other conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall not try to tamper with the evidence and shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities in any manner.

Violation of any conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

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



RKM