

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.176 OF 2022

Sankar Prasad Rana

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party.

Mr. S.K. Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

08.08.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner who is in custody in connection with Purusottampur P.S. Case No.133 of 2018 corresponding to S.T. Case No.77 of 2019 arising out of G.R. Case No. 130 of 2018 pending on the file of learned Additional District & Sessions Judge, Chatrapur for commission of offence punishable under section-326/302/34 of the IPC in filing this application under section-439 of the Cr.P.C. for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submitted that this Petitioner being arrested in the case is in custody since 21.06.2018 and the trial is yet to conclude. He further submitted that for such long detention of the Petitioner in custody, all his family members have been suffering a lot and they are no more in a position to continue further without the help of this Petitioner and therefore now presence of the Petitioner by their side is absolutely necessary. He submitted that the informant being examined in the trial has turned hostile and so also the witnesses namely, Suresh and Haribandhu and many other witnesses have followed the path. He submitted that the

dying declaration projected as the most important evidence against the Petitioner pointing his complicity is not acceptable, when the evidence of P.W. 6 & 7 do not reveal the exact role of this Petitioner that had been stated by the deceased. In view of all these above; he urged for reconsideration of the prayer for grant of bail to the Petitioner as according to him further detention of the Petitioner in custody would serve no useful purpose.

3. Learned Counsel for the State opposed the move by inviting the attention of the Court to the dying declaration as well as the evidence of the Executive Magistrate and the Doctor examined as P.Ws. 6 & 7 and the gruesome manner in which the crime was perpetrated.

4. Considering the submissions made, further viewing the nature of evidence available on record at this stage of trial; while being not inclined to reconsider the prayer for grant of regular bail to the Petitioner, taking into account the period of detention of the Petitioner in custody; it is directed that the Petitioner be released on interim bail in the aforesaid case for a period of eight weeks from the date of actual release from custody on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; and will surrender before the Trial Court on expiry of the period of interim bail positively.

5. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**