

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.325 OF 2022

Tusarkanta Rout @ Sania

.... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.D.R. Parida, ASC.

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
10.05.2022**

Order No.

- 03.
1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
 2. This is the second journey of the Petitioner, who is in custody in connection with Infocity P.S. Case No.75 of 2017 corresponding to CrI. Tr. No.282 of 2017 arising out of C.T. Case No.3132 of 2017 pending on the file of learned Addl. Sessions Judge, Bhubaneswar, running for the alleged commission of offence under section-302/379 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 submits that the Petitioner being arrested in the case is in custody since 02.08.2017 and as yet the trial has not been completed. He further submits that the case is based on circumstantial evidence and most of the important circumstances projected

from the side of the prosecution have not also emerged in evidence during the trial. It is submitted that one important circumstance as to the recovery of the mobile of the deceased from the pocket of the Petitioner has not even been so stated by the independent witness to the recovery. In view of all these above, as now there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence; he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the nature and gravity of the offences for commission of which the Petitioner is facing the trial. He further submits at this stage of the trial, no such definite view on the evidence as to culpability can be taken as not permissible. He however, does not dispute the position that the Petitioner being in custody from 02.08.2017, the trial is still going on.

5. Taking into account the submissions made and on going through the materials as placed; further keeping in view the surrounding circumstances including the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

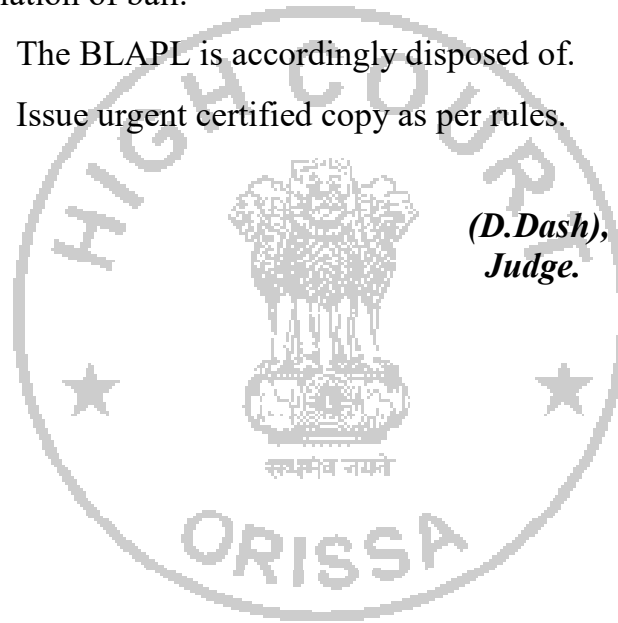
1. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial;

2. will appear before the IIC, Infocity P.S. on every Monday in between 10 am to 2 pm till conclusion of the trial;
3. will not threaten or terrorise the prosecution witnesses in any manner; and
4. will not leave the jurisdiction of the Court in seisin of the case till conclusion of the trial.

Violation of any of the condition(s) shall entail cancellation of bail.

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

Narayan



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