

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.450 of 2020

Prof. Punjilal Meher* *Petitioner

Mr. Basudev Pujari, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Priyabrata Tripathy,
Addl. Standing Counsel*

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

**ORDER
22.07.2022**

Order No.

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

Heard Mr. Basudev Pujari, learned counsel, who has been engaged by this Court to argue this matter on behalf of the petitioner as per order dated 08.07.2022 and learned counsel for the State.

Mr. Pujari submitted that he has received the police papers from the learned counsel for the State as per the order dated 15.07.2022. He further submitted that the petitioner is in judicial custody since 25.04.2018 and his earlier bail application in BLAPL No. 4017 of 2018 was rejected as per order dated 25.03.2019. Learned counsel further submitted that there are seventy two charge sheet witnesses

and till date not a single witness has been examined and the date of trial is fixed to 27.7.2022 on which date the informant Basanta Kumar Sahoo and his wife Bhumisuta Sahoo have been summoned by the learned trial Court for giving their evidence. He further submitted that since it is a case based on circumstantial evidence and about forty and odd official witnesses are there, taking into account the period of detention of the petitioner in judicial custody and absence of any chance of tampering with the evidence, the bail application may be favourably reconsidered.

Learned counsel for the State while not disputing that till date not a single witness has been examined, but submitted that summons have already been served on the informant and his wife and Sri Bibhu Ranjan Sundaray, the additional holding I.O., who is present in Court, will ensure the attendance of the informant and his wife on the next date fixed for trial. It is further submitted that the prosecution will do its level best to expedite the trial and if at this stage, the petitioner is granted bail, there is every chance of tampering with the evidence.

Considering the submissions made by the learned counsel for the respective parties, absence of any change in the circumstances after rejection of the earlier bail application except the period of detention

and chance of tampering with the evidence, while not inclining to release the petitioner on bail, I direct Mr. Sundaray, the additional holding I.O., who is present in Court, to ensure the attendance of the informant and his wife before the learned trial Court on 27.07.2022 positively. He will make necessary contact with the learned Public Prosecutor well in advance so he will prepare the list of material witnesses to be examined out of seventy two charge sheet witnesses and submit the list in the learned trial Court on 27.07.2022. Learned trial Court shall issue summons basing on the list of witnesses to be furnished by the learned Public Prosecutor. A set of such summons shall also be handed over to Mr. Bijay Kumar Mallick, Deputy Superintendent of Police, the holding I.O. in the case, for ensuring the attendance of the witnesses on the dates fixed. Keeping in view the period of detention of the petitioner in judicial custody and delay in commencement of the trial, this Court taking into account the provisions of section 309 of Cr.P.C., direct the learned trial Court to hold day to day trial of the case and the learned trial Court shall not grant adjournment to any of the parties except for compelling reasons.

Let a free copy of the order be handed over to the learned counsel for the State for compliance.

A copy of the order be communicated to the learned trial Court, who shall send a copy of the same to the petitioner who is in judicial custody.

The fees of Mr.Basudev Pujari, learned Advocate is fixed at Rs.5,000/- (five thousand), which shall be paid by the registry forthwith.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



PKSahoo