

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.522 of 2022**

**1. Sarat Naik @ Sharat Naik**

**2. Sudarshan Naik @ Suresena @ Suresh Naik**

**3. Sanei Naik**

**.... Petitioners**

*Mr. S.Mishra, Advocate*

*-versus-*

**State of Odisha**

**.... Opp. Party**

*Mr. J.P. Patra,  
Addl. Standing Counsel  
Mr. Ramakrishna Naik, Advocate  
for the informant*

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

**ORDER  
13.05.2022**

**Order No.**

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

Heard learned counsel for the petitioners and learned counsel for the State as well as learned counsel for the informant.

This is an application under section 439 of Cr.P.C. in connection with S.T. Case No.27/219 of 2018 arising out of Fategarh P.S. Case No.142 of 2018 pending in the Court of learned Additional Sessions Judge, Nayagarh for offences punishable under sections 341, 295, 323, 324, 325, 454, 326, 354-B, 380, 307, 302, 506, 34 of

the Indian Penal Code.

Learned counsel for the petitioners submitted that the petitioners are in judicial custody since 23.07.2018 and out of thirty two charge sheet witnesses, only five witnesses have been examined in the learned trial Court

Status report was called for as per order dated 22.04.2022 and the learned trial Court i.e., Addl. Sessions Judge, Nayagarh has furnished the same vide letter dated 02.05.2022 from which it appears that in the trial Court, only five witnesses have been examined and the case is now posted to 12.05.2022 for evidence.

Learned counsel for the State as well as learned counsel for the informant submitted that there are many more material witnesses yet to be examined and it is a case under section 302 of the Indian Penal Code and therefore, the petitioners should not be released on bail.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of the trial, at this stage, while not inclining to release the petitioners on bail on merit, but taking into account the period of detention of the petitioners in judicial custody, I am inclined to release the petitioners on interim bail for a period of three months from the date of release and the petitioners shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioners be released on interim bail in the aforesaid case on

furnishing bail bond of Rs.50,000/-(rupees fifty thousand) each 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 petitioners shall appear before the learned trial Court on each date on which the date would be fixed for trial and they shall appear before the Inspector-in-charge of Fategarh police station once in a week on every Monday in between 10.00 p.m. to 4.00 p.m. and they shall not indulge in any criminal activities. The Inspector in-Charge of Fategarh police station shall keep close vigil over the activities of the petitioners while on interim bail.

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

Accordingly, the BLAPL is disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Fategarh police station to do the needful.

Issue urgent certified copy as per Rules.

**( S.K. Sahoo )**  
**Judge**