

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

**BLAPL No.549 of 2022**

***Surendra Kumar Majhi @ .... Petitioner***  
***Sura***

*Mr. Dharanidhar Nayak,  
Senior Advocate*

*-versus-*

***State of Odisha .... Opp. Party***

*Mr. A.K. Beura,  
Addl. Standing Counsel*

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

**ORDER**  
**06.05.2022**

**Order No.**

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

Heard Mr. Dharanidhar Nayak, learned Senior Advocate appearing for the petitioner and Mr. A.K. Beura, learned Additional Standing Counsel for the State of Odisha.

This is an application under section 439 of Cr.P.C. in connection with S.T. Case No.34/102 of 2020 arising out of Chandpur P.S. Case No.37 of 2020 pending in the Court of learned Additional Sessions Judge, Nayagarh for offences punishable under sections 147, 148, 341, 323, 324, 325, 326, 307, 302, 395, 294, 506/149 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge (I/c), Nayagarh, which was rejected on 22.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 25.09.2020 and his earlier bail application in BLAPL No.8056 of 2020 was rejected as per order dated 16.03.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the eye witnesses in the learned trial Court. He further submitted that the co-accused Ashok Bhata has been released on interim bail for a period of three months in BLAPL No.11427 of 2021 as per order dated 08.04.2022 and the petitioner is similarly situated like the co-accused. It is further submitted that till date there is no progress in the trial and therefore, the prayer for bail may be favourably considered.

Status report submitted by the learned trial Court in BLAPL No.11427 of 2021 which indicated that till date, no charge has been framed.

Learned counsel for the State opposed the prayer for 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 petitioner on bail on merit, but taking into account the period of detention of the petitioner

in judicial custody and release of co-accused on interim bail, I am inclined to release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim 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 further terms and conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

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