

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 763 of 2022

Rabindranath Rout* *Petitioner

Mr. S.B. Jena, Advocate

-versus-

State of Odisha* *Opp.Party

Mrs. Susamarani Sahoo

Addl. Standing Counsel

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

**ORDER
14.11.2022**

Order No.

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

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Khaira P.S. Case No.236 of 2018 corresponding to Special Case No. 133/292 of 2018 pending in the Court of learned Presiding Officer, Special Court under SC & ST, Balasore for offences punishable under sections 302/201/34 of the Indian Penal Code read with section 3(2)(v) of the SC & ST (PoA) Act.

The petitioner moved an application for bail before the Court of Presiding Officer, Special Court under SC & ST, Balasore, which was rejected on 04.12.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 10.10.2018 and he was granted interim bail for a period of three months as per the order dated 23.07.2021 passed in BLAPL No. 1256 of 2020 and he surrendered at right time. It is further submitted that even though in the trial Court out of twenty four charge sheet witnesses, seventeen witnesses have been examined including the informant and the I.O. and five charge sheet witnesses have been declined by the prosecution, but nothing has come on record against the petitioner and therefore, the bail application may be favourably reconsidered. Learned counsel for the petitioner has filed the deposition copies of seventeen witnesses.

Learned counsel for the State after going through the deposition copies, fairly submitted that except P.Ws. 1 and 2, no other witnesses have stated anything against the petitioner and those two witnesses have stated that the deceased disclosed before them about the threatening given by the petitioner and another not to disclose their immoral activities with one Kuntala didi of the school.

Learned counsel for the petitioner submitted that such statements relating to giving of threat have been deposed to by P.Ws.1 and 2 for the first time in Court.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the

petitioner in complying with the earlier interim bail order and nature of evidence adduced by the prosecution during trial, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo