

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 828 of 2022

Srikant Behera

....

Petitioner

Mr.P.K. Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

30.06.2022

03. 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 S.T. Case No.38 of 2019 arising out of Chhend P.S. Case No.116 of 2018 pending in the Court of learned 2nd Addl. Sessions Judge, Rourkela for offences punishable under sections 498-A/302/304-B and 34 of the Indian Penal Code read with section 4 of the D.P. Act.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with this case on 18.10.2018 and when the

petitioner approached this Court last time for bail in BLAPL No.216 of 2020, he was granted interim bail for a period of three months. Learned counsel for the petitioner further submitted that after availing the interim bail period, he has surrendered before the learned Court below at right time. It is further submitted that out of thirty eight charge sheet witnesses, nine witnesses have been examined so far and the last witness P.W.9 was examined on 08.09.2021 and none of the witnesses have supported the prosecution case. The copies of depositions of those nine witnesses have been annexed to the bail application.

Learned counsel for the State on verification of the deposition copies also does not dispute on the same.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the terms of the earlier interim bail order and taking into account the status of trial, while not inclining to release the petitioner on bail on merit, I direct that the petitioner be released 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 three months period.

For the above period, let the petitioner be released on 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 as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to tamper with the prosecution evidence and 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 conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge