

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 856 of 2022

Padma Digal

....

Petitioner

Mr.A.R. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

02. 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 T.R. Case No.80 of 2020 arising out of Nayapalli P.S. Case No.59 of 2020 pending in the Court of learned 3rd Additional Sessions Judge, Bhubaneswar for offences punishable under sections 20(b)(ii)(C) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned 3rd Additional Sessions Judge, Bhubaneswar, which was rejected on 17.06.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 30.01.2020 and her earlier bail application in BLAPL No.4862 of 2021 was rejected as per order dated 30.07.2021 and liberty was granted to the petitioner to renew her prayer for bail after examination of the material witnesses in the learned trial Court. It is further submitted that till date, there is no progress in the trial and therefore, the prayer for bail may be favourably considered.

As per order dated 17.03.2022, the learned trial Court has submitted the status report from which it appears that four witnesses have been examined and the last witness i.e. P.W.4 was examined on 23.12.2021

Learned counsel for the State opposed the prayer for bail and submitted that as per the charge sheet, there are nineteen witnesses.

Considering the submissions made by the learned counsel for the respective parties, since the petitioner is a lady and there was specific direction to conclude the trial in the case of the husband of the petitioner namely, Satyananda Digal in BLAPL No. 4553 of 2020, which has not been carried out, 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, 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, she shall not indulge in any criminal activities and she 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

