

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1059 of 2022

Hare Krushna Chetty* *Petitioner

Mr.M.R. Acharya, Advocate

-versus-

State of Odisha* *Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

13.05.2022

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. *संक्षिप्त न्यायो*

This is an application under section 439 of Cr.P.C. in connection with Laxmipur P.S. Case No. 67 of 2018 corresponding to T.R. Case No. 22 of 2018 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput for offences punishable under sections 20(b)(ii)(C) and 29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput which was rejected on 25.01.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 25.07.2018 and his

earlier bail application in BLAPL No.5777 of 2018 was rejected by me as per order dated 14.02.2019. Learned counsel further submitted that out of thirty nine charge sheet witnesses, only three witnesses have been examined and in view of delayed disposal of the trial, the prayer for bail of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 29.04.2022 and the learned trial Court has furnished the same vide letter dated 07.05.2022 from which it appears that charge was framed on 20.09.2021 and three witnesses were examined and the next date of trial is fixed to 22.06.2022.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of 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, 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 cash security of Rs.50,000/- (fifty thousand) and 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 appear before the Inspector in-charge of Laxmipur police station once in a week on every Monday in between 10.00 a.m. to 4.00 p.m., 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. The Inspector in-charge of Laxmipur police station shall keep a close vigil over the activities of the petitioner during the interim bail period.

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

PKSahoo