

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1132 of 2022

Kalu Pradhan

.... Petitioner

Mr.S.S. Ray, Advocate

-versus-

State of Odisha

.... Opp.Party

Mr.Debasis Biswal

Addl. Standing Counsel

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

**ORDER
21.10.2022**

Order No.

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

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

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Dharakote P.S. Case No. 71 of 2017 corresponding to S.T. Case No. 86 of 2017 pending in the Court of learned Addl. Sessions Judge, Aska for alleged commission of offences under sections 302, 120-B/34 of the Indian Penal Code read with sections 25(1-B)/27 of the Arms Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Aska, which

was rejected on 19.01.2022.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 15.07.2017 and till date, only five witnesses have been examined in the learned trial Court out of total seventeen charge sheet witnesses. He further submitted that the petitioner was granted interim bail for a period of three months in BLAPL No.2030 of 2021 as per order dated 04.10.2021 and after availing the interim bail period, he surrendered at right time. Learned counsel further submitted that in view of the delayed disposal of trial, the petitioner may be granted interim bail for some period.

Learned counsel for the State has no serious objection to such prayer.

Considering the submissions made by the learned counsel for the respective parties, the progress of trial so far, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the terms and conditions of the earlier interim bail order passed by this Court in BLAPL No. 2030 of 2021, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. 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 as the learned Court may deem just and proper including the conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period.

Violation of any of the 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