

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1134 of 2022

Narayan Das

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
01.11.2022**

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 Marsaghai P.S. Case No.237 of 2020 corresponding to S.T. Case No.92 of 2021 pending in the Court of learned Additional Sessions Judge, Kendrapara for offences punishable under sections 457/395/397/307 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Kendrapara which was rejected on 03.01.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 12.10.2020 and

examination of witnesses has already commenced in the trial Court and the identifying witness has also been examined as P.W.8. Learned counsel further submitted that the co-accused similarly situated, namely, Sher Singh has been directed to be released on bail by this Court in BLAPL No.1118 of 2022 as per order dated 14.02.2022 and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State submitted that the petitioner as well as the co-accused Sher Singh were not only identified in the test identification parade by the informant (P.W.8) but also in the trial Court and the bail order of the co-accused Sher Singh does not indicate that the identity aspect was brought into the notice of the Court and therefore, on the basis of the bail order of the co-accused Sher Singh, the petitioner cannot claim parity.

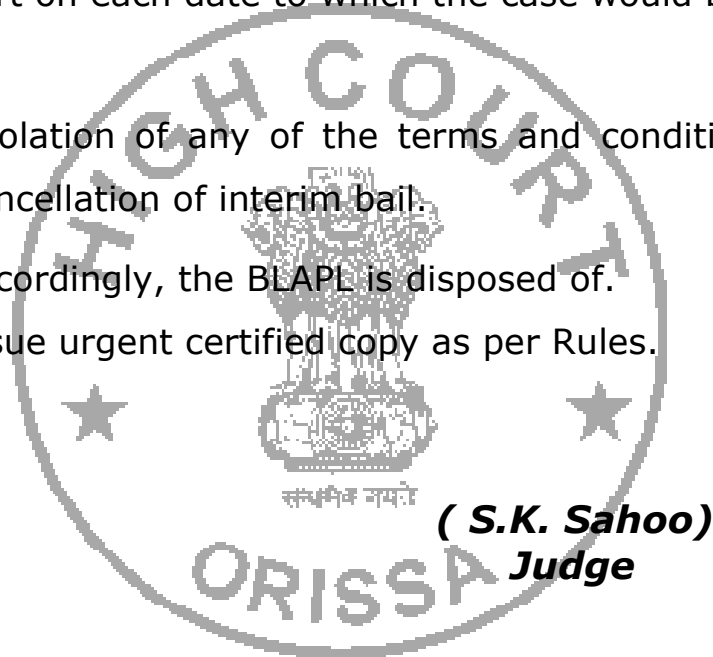
Considering the submissions made by the learned counsel for the respective parties, since the petitioner has been identified in the test identification parade as well as in the trial Court by the informant, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody and the fact that he has no criminal antecedent as submitted by the learned counsel for the State, 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 as the learned Court may deem just and proper subject to 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 and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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.



RKM