

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1201 of 2022

**Swarna Ranjan Patra @
Butu @ Raghua @ Malaya Petitioner
@ Babu**

Mr.B.N. Mahapatra, Advocate

-versus-

State of Odisha Opp. Party

*Mr.J.P. Patra,
Addl. Standing Counsel*

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

**ORDER
06.05.2022**

Order No.

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 Keonjhar Town P.S. Case No.286 of 2020 corresponding to S.T. Case No.28 of 2021 pending in the Court of learned Sessions Judge, Keonjhar for offences punishable under sections 302, 201/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Keonjhar, which was rejected on 02.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 20.11.2020. It is further submitted that the earlier bail application of the petitioner in BLAPL No.1514 of 2021 was rejected as per order dated 24.08.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of Sanjukta Tripathy, who is an witness to the extra-judicial confession. It is contended by the learned counsel for the petitioner that the said witness has been examined as P.W.1 in the learned trial Court and she has not supported the prosecution case. Learned counsel further submitted that in view of the change in the circumstances, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Perused the evidence of P.W.1.

Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application of the petitioner, the fact that the witness to the extra judicial confession has not supported the prosecution case and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

