

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1443 of 2022

Manoj Ku. Pal @ Kalia* *Petitioner

Ms. Bini Mishra, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

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

**ORDER
12.08.2022**

Order No.

03. 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 Khamar P.S. Case No.34 of 2017 corresponding to C.T.(S) Case No.65 of 2017 pending in the Court of learned Additional Sessions Judge, Talcher for offences punishable under sections 302/201/120-B/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Talcher which was rejected on 13.12.2021.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on 29.03.2017 and he was released on interim bail twice in

BLAPL No.9162 of 2019 and after availing the interim bail period, he surrendered at right time. It is further submitted that though the Investigating Officer's examination-in-chief has commenced since August, 2021 and last time, he appeared before the learned trial Court on 09.09.2021 but thereafter, he is not appearing for which the case is lingering in the trial Court.

Status report dated 27.07.2022 furnished by the learned trial Court also indicate the same. However, it is mentioned that the Investigating Officer, who was posted as Inspector of Police at Dhenkanal has been transferred to Kalahandi district and for that reason, the Court is facing difficulties to procure the attendance of the Investigating Officer and to complete his evidence.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier orders of interim bail and the fact that the case is lingering for non-completion of the examination of the Investigating Officer, which is squarely attributable to the prosecution, 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.

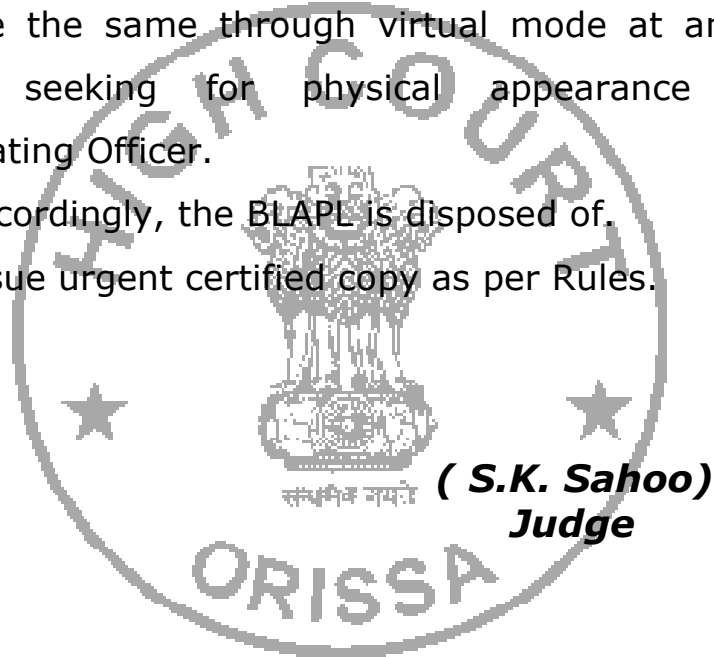
For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter

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 indulge in any criminal activities in any manner and she 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.

Learned trial Court shall do well to take steps to record the evidence of the Investigating Officer and complete the same through virtual mode at an earliest without seeking for physical appearance of the Investigating Officer.

Accordingly, the BLAPL is disposed of.
Issue urgent certified copy as per Rules.



RKM