

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1472 of 2022

Babuna Behera

.... Petitioner

Mr. S.N. Mishra, Advocate

-versus-

State of Odisha

.... Opp.Party

Mr. Susamarani Sahoo

Addl. Standing Counsel

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

**ORDER
28.09.2022**

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 Puri Sadar P.S. Case No.158 of 2018 corresponding to S.T. Case No.15/134 of 2019 pending in the Court of learned 2nd Additional Sessions Judge, Puri for offences punishable under sections 302/394 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned 2nd Additional Sessions Judge, Puri which was rejected on 05.01.2022.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on 30.06.2018 and on the ground of delayed disposal of the trial, the petitioner was granted interim bail for a period of three months in BLAPL No.6927 of 2020 as per order dated 03.09.2021 and after availing the same, he surrendered at right time. He further submitted that there is no such progress in the trial and therefore, the petitioner may be granted interim bail for some period.

Status report dated 02.09.2022 submitted by the learned trial Court indicates that out of forty seven charge sheet witnesses, eighteen witnesses have been examined.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

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 order of interim bail granted by this Court and taking into account the progress of the trial so far as per the status report submitted by the learned trial Court, 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

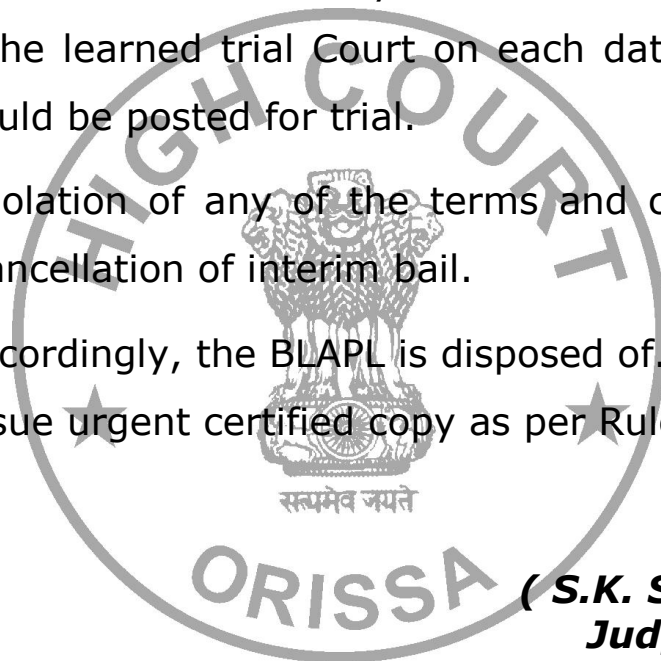
expiry of the three months period.

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 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.



(S.K. Sahoo)
Judge

RKM