

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1484 of 2022

1. Sujit Kumar Kumura

2. Ajit @ Jhasaketan Kumura **Petitioners**

Mr.B. Sahoo, Advocate

-versus-

State of Odisha

.... **Opp. Party**

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
26.08.2022**

Order No.

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

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with S.T. Case No.50/42 of 2016 arising out of Deogarh P.S. Case No.124 of 2016 pending in the Court of learned Addl. Sessions Judge, Deogarh for offences punishable under section 302/34 of the Indian Penal Code.

The petitioners moved an application for bail before the Court of learned Addl. Sessions Judge, Deogarh, which was rejected on 25.01.2022.

Learned counsel for the petitioners submitted that the petitioners were taken into judicial custody on 18.11.2016 and they were granted interim bail for a period of three months in BLAPL No. 3735 of 2021 as per order dated 17.09.2021 and after availing the interim bail period, they surrendered in the learned Court below at right time. Learned counsel further submitted that during this period only one more witness has been examined and therefore, the prayer of the petitioners for bail may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Perused the status report dated 26.07.2022 furnished by the learned trial Court from which it appears that out of twenty three charge sheet witnesses, twenty one witnesses have been examined till 31.03.2022.

Considering the submissions made by the learned counsel for the respective parties, the conduct of the petitioners in complying with the earlier order of interim bail granted by this Court and the slow progress of trial, while not inclining to release the petitioners on bail on merit, I am inclined to release them on interim bail for a period of three months from the date of release and the petitioners shall surrender

before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioners be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) each 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 that while on interim bail, the petitioners shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, they shall not indulge in any criminal activities and shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

Violation of any 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