

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1667 of 2022

Baishnaba Padhan ***Petitioner***

Mr.S.K.Joshi, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr.Arupananda Das,
Addl. Government Advocate*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

06.05.2022

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 Tusura P.S. Case No. 32 of 2017 corresponding to S.C. Case No. 48 of 2017 pending in the Court of learned Sessions Judge, Balangir for offences punishable under sections 302/201 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Balangir, which was rejected on 14.02.2022.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 16.02.2017 and last time the petitioner approached this Court for bail in BLAPL No.10581 of 2019 and this Court as per order dated 29.06.2020 granted interim bail to the petitioner for a period of three months and after availing the interim bail period, he surrendered before the learned trial Court at right time. He further submitted in view of the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the earlier interim bail order, the prayer for bail of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 22.04.2022 and the learned trial Court has furnished the same vide letter dated 25.05.2022 from which it appears that only three official witnesses including the Investigating Officer are yet to be examined.

Considering the submissions made by the learned counsel for the respective parties and the period of detention of the petitioner in judicial custody, at this stage, while not inclining to release the petitioner on bail on merit, 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 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, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial.

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

PKSahoo