

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1771 of 2022

Sameer Sethy @ Haba @ Babu ***Petitioner***

Mr.P.K. Pratap, Advocate

-versus-

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

*Mr.A.K. Beura,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

13.05.2022

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 Badachana P.S. Case No. 195 of 2020 corresponding to C.T. Case No. 916 of 2020 from the file of learned J.M.F.C., Chandikhole for offences punishable under sections 457, 395, 397/34 of the Indian Penal Code and sections 25 and 27 of the Arms Act, which is stated to be pending in the Court of learned Sessions Judge, Jajpur on commitment.

The petitioner moved an application for bail before the Court of learned Asst. Sessions Judge, Chandikhole

which was rejected on 03.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.08.2020 and his earlier bail application in BLAPL No.750 of 2021 was disposed of as per order dated 03.09.2021 with a direction to the learned J.M.F.C., Chandikhole trial Court to expedite the commitment of the case and the learned trial Court was directed to make every endeavour to examine the identifying witnesses at the first instance and the petitioner was given liberty to renew his prayer for bail after examination of the identifying witnesses in the learned trial Court. Learned counsel further submitted that though the case has been committed to the Court of Session, but till date charge has not yet been framed and in view of delayed disposal of the trial, the prayer for bail of the petitioner may be favourably reconsidered. Learned counsel for the petitioner has filed the copy of the order-sheet of the learned trial Court.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 29.04.2022 and the learned J.M.F.C., Chandikhole has furnished the same vide letter dated 06.05.2022 from which it appears that the case has been committed to the Court of Session Judge, Jajpur on 24.03.2022.

Considering the submissions made by the learned counsel for the respective parties, since there is no progress of trial, at this stage, while not inclining to release the petitioner on bail on merit, but taking into

account the period of detention of the petitioner in judicial custody, 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 appear before the Inspector in-charge of Badachana police station once in a week on every Monday in between 10.00 a.m. to 4.00 p.m., 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. The Inspector in-charge of Badachana police station shall keep a close vigil over the activities of the petitioner during the interim bail period.

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

