

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1911 of 2022

1. Kalyan Gadnayak

2. Kanak Gadnayak

.... Petitioners

Mr.G.K. Mohanty, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

15.07.2022

04

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 Special Case No.43(A) of 2014 arising out of Chhendipada Town P.S. Case No.65 of 2014 pending in the Court of learned Special Judge, Angul for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

The petitioners moved an application for bail before the Court of learned Special Judge -cum- Sessions Judge, Angul which was rejected on 14.02.2022.

Learned counsel for the petitioners submitted that the petitioners are in judicial custody since 01.02.2021 and their earlier bail application in BLAPL No.1459 of 2020 was rejected on merit as per order dated 20.07.2021 and direction was given to the learned trial Court to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of this order and the petitioners were given liberty to renew their prayer, if the trial is not concluded within the aforesaid period. Learned counsel further submitted that even though copy of the order was communicated to the learned trial Court on 23.07.2021, but there is no progress in the trial and therefore, the bail application of the petitioners may be favourably reconsidered.

Status report was called for as per order dated 13.05.2022 and the learned trial Court has furnished the same vide letter dated 18.05.2022 from which it appears that till date, out of seventeen charge sheet witnesses, eight witnesses have been examined

Considering the submissions made by the learned counsel for the petitioners that petitioner no.1 is aged about eighty eight years and petitioner no.2 is his wife and progress of the trial so far, while not inclining to release the petitioners on bail on merit but taking into account the period of detention of the petitioners in judicial custody, I am inclined to release the petitioners 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 they 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. The Inspector in-charge of Chhendipada Town police station shall keep a close vigil over the activities of the petitioners 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

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