

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.1958 OF 2022

Hiralal Khadia

.... ***Petitioner***
Mr. B.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.S.K. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
12.09.2022

Order No.

01. 1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Hemagiri P.S. Case No.84 of 2017 corresponding to S.T. Case No. 97/75 of 2017/21, pending on the file of learned Addl. Sessions Judge, Sundargarh running for the alleged commission of offence under Section-364/302/201/120-B/34 of the IPC, in filing this application under section 439, Cr.P.C., for his release on bail in the above mentioned case.
3. Learned Counsel for the Petitioner submits that the Petitioner having been arrested in the case is in custody since 12.08.2017 and despite earlier direction given by this Court for early conclusion of the trial, there has been no such result. He further submits that Jagadis Khadei, one of the star witnesses for the prosecution having been examined in the trial has resiled from his earlier version. In view of all these above; he

urges for reconsideration of the prayer for grant of bail to the Petitioner as according to him further detention of the Petitioner in custody would not be in the interest of justice.

5. Learned Counsel for the State opposes the move in view of the nature of accusations and the stage of the trial. He however does not dispute that Jagadish Khedia who is an important witness for the prosecution has not supported the prosecution case. It is however submitted that other important witnesses are yet to be examined and therefore he expresses apprehension that the release of the Petitioner on bail at this stage may push the conclusion of the trial to uncertainty.

4. Taking into account the submissions made; further keeping in view the materials on records including the depositions of the witnesses so far examined in the trial with other surrounding circumstances especially the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant of bail to the Petitioner; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

- 1) Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case without fail;
- 2) will appear before the IIC, Hemagiri P.S. every Monday in between 10 am to 2 pm till conclusion of the trial; and

- 3) will not threaten or terrorise the prosecution witnesses in any manner.

Violation of any of the condition(s) shall entail cancellation of bail.

5. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

