

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2033 of 2022

Sumanta Pradhan

....

Petitioner

Mr. P. Dasmohapatra, Advocate

-versus-

State of Odisha

.... Opp.Party

Mrs. Susamarani Sahoo

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

14.11.2022

Order No.

05. 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 Angul P.S. Case No.14 of 2016 corresponding to C.T. (S) Case No. 104 of 2016 pending in the Court of learned Sessions Judge, Angul for offences punishable under sections 364/302/201/120-B of the Indian Penal Code.

The petitioner moved an application for bail before the Court of Sessions Judge, Angul, which was rejected on 18.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 31.01.2016 and

when he approached this Court for bail last time in BLAPL No. 6722 of 2022, the same was rejected as per order dated 17.09.2021 and direction was given to the learned trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order and the petitioner was given liberty to renew his prayer for bail, if the trial is not concluded within the said period. She further submitted that the petitioner was granted on interim bail for about a month on the ground of ailment of the wife of the petitioner in I.A. No.534 of 2022 as per order dated 20.05.2022 and after availing the same, he surrendered at right time. Learned counsel further submitted that out of forty seven witnesses, thirty nine witnesses have been examined so far in the learned trial Court and there is no direct evidence against the petitioner and the case is based on circumstantial evidence and the main circumstance is the last seen of the deceased in the company of the petitioner and the co-accused and therefore, the bail application may be favourably reconsidered. Learned counsel for the petitioner has filed the deposition copies of the witnesses.

Learned counsel for the State placed the deposition of some of the witnesses like P.Ws. 7 and 11.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier interim bail order

and nature of evidence adduced by the prosecution during trial, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



(S.K. Sahoo)
Judge

PKSahoo