

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2051 of 2022

Dharmendra Sendhria* *Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
29.09.2022**

Order No.

06. 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 Dunguripali P.S. Case No.143 of 2020 corresponding to Sessions Case No.02/28 of 2021 pending in the Court of learned C.J.M. -cum- Assistant Sessions Judge, Sonapur for offences punishable under sections 395/397/457/120-B of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned C.J.M. -cum- Assistant Sessions Judge, Sonapur which was rejected on 21.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.10.2020 and in the meantime, trial has commenced and the identifying

witnesses have already been examined and at this stage, there is no chance of tampering with the evidence and the petitioner is a local man and there is no chance of absconding and therefore, the petitioner may be granted interim bail for some period.

Learned counsel for the State on instruction submitted that there is no criminal antecedent against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution so far, 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 as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall appear before the Inspector in-charge of Dunguripali police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m., shall not try to come in contact with any of the

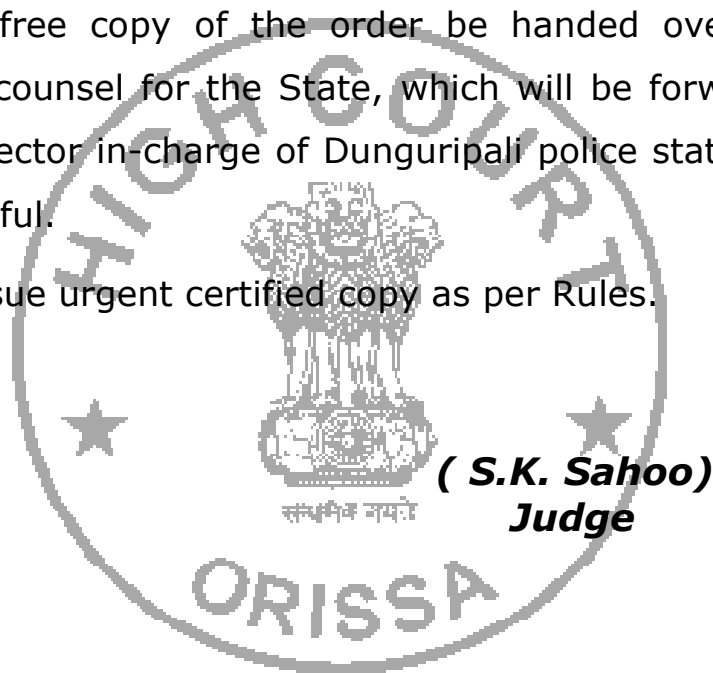
prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial. The Inspector in-charge of Dunguripali police station shall keep a close vigil over the activities 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.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Dunguripali police station to do the needful.

Issue urgent certified copy as per Rules.



RKM