

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2067 of 2022

Prakash Pradhan* *Petitioner

Mr.S.N.Mishra, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
16.09.2022**

Order No.

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. for grant of bail to the petitioner in connection with Puri Sadar P.S. Case No.119 of 2020 corresponding to S.T. Case No. 6/31 of 2021 pending in the Court of learned 2nd Addl. Sessions Judge, Puri for alleged commission of offences under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned 2nd Addl. Sessions Judge, Puri, which

was rejected on 25.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 09.06.2020 and his earlier bail application in BLAPL No.7300 of 2020 was rejected as per order dated 22.02.2021 directing the learned trial Court to expedite the trial and take steps for examination of the eye witnesses at the first instance and liberty was granted to the petitioner to renew his prayer for bail after examination of the eye witnesses in the learned trial Court. Learned counsel further submitted that in the meantime, the three eye witnesses have already been examined and they have not supported the prosecution case and therefore, the bail application of the petitioner may be favourably reconsidered. He files the certified copy of the depositions of P.Ws. 1, 2 and 4, which are taken on record.

Learned counsel for the State after going through the deposition copies does not dispute the same.

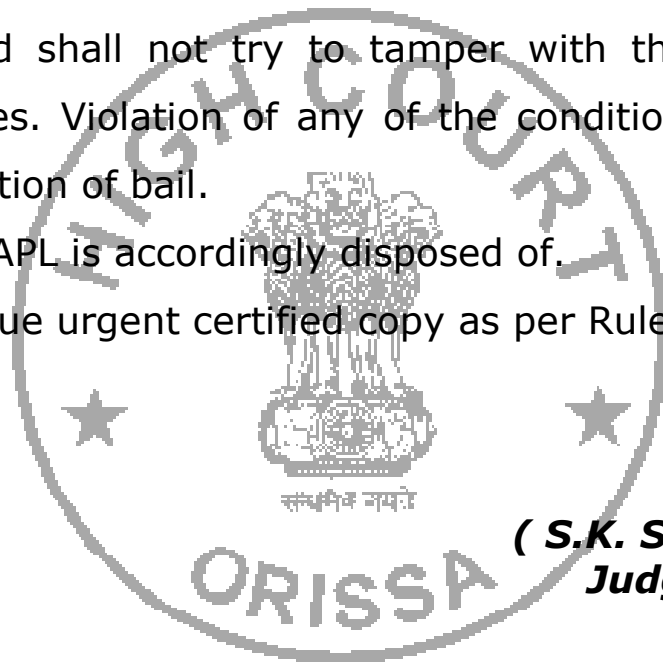
Considering the submissions of the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application, since the eye witnesses does not support the prosecution case and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct

release the petitioner on bail.

Let the petitioner be released on 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 such terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall not indulge in any criminal activities, shall appear before the learned trial Court when the case would be posted for trial and shall not try to tamper with the prosecution witnesses. Violation of any of the conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



(S.K. Sahoo)
Judge

PKSahoo