

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2186 of 2022

Susanta Suna @ Chingdu* *Petitioner

Mr. S. Panda, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
16.09.2022**

Order No.

03. 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 C.T. Case No.11 of 2020 arising out of Sohela P.S. Case No.167 of 2019 pending in the Court of learned Addl. Sessions Judge, Padampur for offences punishable under sections 302/307/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 10.10.2019 and earlier the bail application of the petitioner in BLAPL No.5307 of 2020 was rejected as

per order dated 24.12.2020 and liberty was granted to the petitioner to renew the prayer for bail after examination of the eye witnesses in the learned trial Court. It is further submitted that in the learned trial Court, seven witnesses have been examined including four eye witnesses and they have not stated anything against the petitioner and one of the co-accused, namely, Sanjeeb @ Sanjib Kumbhar who stands in the similar footing has been directed to be released on bail in BLAPL No.1778 of 2021 as per order dated 17.03.2022 and ttherefore, the bail application of the petitioner may be favorably reconsidered.

Learned counsel for the State was asked to verify the same.

Today learned counsel for the State fairly submitted that the petitioner is similarly situated like the co-accused Sanjeeb @ Sanjib Kumbhar. However, he submitted there are other witnesses to be examined as per charge-sheet.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, change in the circumstances after the rejection of the earlier bail application, release of the co-accused on bail and the fact that the eye witnesses examined so far have not implicated the petitioner in the alleged occurrence

and taking into account the period of detention of the petitioner in judicial custody, 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 subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge