

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2242 of 2022

Krushna Gouda

....

Petitioner

Mr.S.Pattnayak, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

06.05.2022

01. 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 Tarasingi P.S. Case No.270 of 2020 corresponding to S.T. Case No. 50 of 2021 pending in the Court of learned Addl. Sessions Judge, Bhanjanagar for alleged commission of offences under sections 302, 201/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Bhanjanagar, which was rejected on 04.03.2022.

Learned counsel for the petitioner submitted that the petitioner earlier moved a bail application in BLAPL No.3531 of 2021 and this Court as per order dated 13.09.2021 while rejecting the prayer for bail, directed the learned trial Court to expedite the trial and granted liberty to the petitioner to renew his prayer for bail after examination of the two witnesses, namely, Mitu Patra and Tulu Patra. Learned counsel further submitted that the said two witnesses have been examined as P.W. 1 and P.W. 2 in the trial Court and they have not supported the prosecution case and therefore, in view of the change in the circumstances, petitioner's bail application may be favourably reconsidered. Learned counsel for the petitioner has annexed the deposition copies of the aforesaid two witnesses to the bail application.

Learned counsel for the State, on the other hand, opposed the prayer for bail and placed the evidence of the witnesses.

Considering the submissions of the learned counsel for the respective parties and since the two material witnesses on behalf of the prosecution have not supported the prosecution case, change in the circumstances after rejection of the earlier bail application 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

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.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

