

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2268 of 2022

1. Suresh Das
2. Niranjana Das **Petitioners**

Mr. J. Sahoo, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
06.05.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.276 of 2018 arising out of Chamakhandi P.S. Case No.66 of 2018 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Chatrapur for offences punishable under sections 302/323/34 of the Indian Penal Code.

The petitioners moved an application for bail before the Court of learned Additional Sessions Judge -cum- Special Judge, Chatrapur, which was rejected

on 08.03.2022.

The earlier bail application of the petitioners was rejected in BLAPL No.10348 of 2019 vide order dated 29.01.2021 and direction was given to the learned trial Court to expedite the trial and liberty was granted to the petitioners to renew the prayer for bail after examination of the two eye witnesses, namely, Jogendra @ Jogi Pradhan and Lingaraj @ Budu Pradhan.

Learned counsel for the petitioners submitted that in the meantime, trial has commenced and Jogendra @ Jogi Pradhan has been examined in the trial Court as P.W.10 and Lingaraj @ Budu Pradhan has been examined as P.W.7 and both of them have not supported the prosecution case and therefore, the bail application of the petitioners may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Perused the evidence copies of the said two witnesses.

Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application and the fact that the two eye witnesses have not supported the prosecution case and taking into account the period of detention of the petitioners

in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioners to be released on bail.

Let the petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) each 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 petitioners shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge