

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2269 of 2022

Susanta Maharana

....

Petitioner

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 petitioner 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 petitioner 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 petitioner 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 petitioner 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 petitioner 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 petitioner 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 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 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