

IN THE HIGH COURT OF ORISSA AT CUTTAC
BLAPL NO.2498 OF 2022

Madhu @ Samiri @ Sameer Purty ***Petitioner***
@ Pruty

Mr. B.K. Routray, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.K.Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

30.09.2022

Order No.

01.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.

2. This is the successive journey of the Petitioner, who is in custody in connection with S.T. Case No.09 of 2018 pending on the file of learned Addl. Sessions Judge, Athagarh, running for the commission of offence under section- 417/493/294/376(1) /506 of the IPC, in filing this application under Section-439 Cr.P.C. for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.

3. Learned Counsel for the Petitioner submits this Petitioner being arrested in the case is in custody since 30.11.2017 and that even at this point of time the conclusion of the trial is also not expected so soon for the reason that the victim is not traceable and thus it is not possible to bring her to the witness box for recording the evidence. He further submits that although the Trial Court has taken effective steps in this regard yet it has not been possible to locate the victim and even the mother of the victim has expressed her helplessness in that regard. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and the question of tampering the evidence does not arise; he

urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move by placing the seriousness of the offences for commission of which the Petitioner is facing the trial. He is however not in a position to dispute the facts that the victim has not yet been traced and that the Petitioner has been in custody since 30.11.2017.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. he shall appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial;
2. shall appear before the Inspector-in-Charge of Gurudijhatia Police Station, in every Monday in between 10 am to 2 pm for a period next six months; and
3. shall not indulge himself in commission of any criminal activity; and
4. shall not leave the district of Cuttack till conclusion of trial.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**