

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2010 of 2021

Bulu @ Brajabandhu ***Petitioner***
Samantaraya

Mr. S.N. Sahoo, *Advocate*

-versus-

State of Odisha ***Opp. Party***

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

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

13.05.2022

09. 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 Delang P.S. Case No.90 of 2017 corresponding to S.T. Case No.151 of 2017 pending in the Court of learned Sessions Judge, Puri for alleged commission of offences under sections 302/109/120-B/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Puri, which was rejected on 19.02.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.05.2017 and the earlier bail application of the petitioner in BLAPL No.7786 of 2018 was rejected by this Court on 22.01.2021. It is further submitted that though in the meantime almost five years have already passed since the date of custody of the petitioner but in the trial Court, only six witnesses have been examined and therefore, the petitioner may be granted interim bail for some period.

Status report was called for from the learned Sessions Judge, Puri and the learned trial Court submitted its report dated 10.05.2022 wherein it is mentioned that out of thirty four charge sheet witnesses, only six witnesses have been examined.

Learned counsel for the State opposed the prayer for bail.

In view of the period of detention of the petitioner in judicial custody and the inordinate delay in disposal of the trial and the petitioner is a local man, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. The petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be

released on interim 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 further terms and conditions as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

RKM