

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2629 of 2022

Dibakar Tandi

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opp. Party

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

**CORAM:
JUSTICE S.K. SAHOO
ORDER
20.05.2022**

Order No.

03. 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 Patnagarh P.S. Case No.47 of 2016 corresponding to Sessions Case No.50 of 2016 pending in the Court of learned Additional Sessions Judge, Patnagarh for alleged commission of offences under sections 498-A/304-B/302/306 of the Indian Penal Code read with section 4 of the D.P. Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Patnagarh, which was rejected on 21.02.2022.

Learned counsel for the petitioner submitted

that the petitioner is in judicial custody since 12.05.2016 and he approached this Court earlier for bail in BLAPL No.3308 of 2019, BLAPL No.2365 of 2020 and BLAPL No.5829 of 2021 and in each of the bail applications, he was granted interim bail for a period of three months on the ground of delay in disposal of the trial as per orders dated 30.07.2019, 08.09.2020 and 01.10.2021 respectively. He further submitted that the petitioner has not misutilized the liberty while he was on interim bail and he has surrendered in the learned trial Court at right time and therefore, the bail application of the petitioner may be favourably considered.

Status report was called for from the learned Additional Sessions Judge, Patnagarh and the learned trial Court submitted its report dated 11.05.2022 wherein it is mentioned that out of twenty four charge sheet witnesses, twenty witnesses have been examined.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, in view of the period of detention of the petitioner in judicial custody, the progress of the trial so far and the fact that while the petitioner was on interim bail, he has not misutilized his liberty and has surrendered before the Court below at right time, at this stage, while not

inclining to release the petitioner on bail on merit, I direct that the petitioner be released on interim bail for a period of three months from the date of release and 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. While on interim bail, the petitioner shall appear before the learned trial Court on each date to which the case would be posted for trial, he shall not indulge in any criminal activities in any manner and shall not tamper with the prosecution witnesses.

Violation of any of the conditions shall entail cancellation of the interim bail.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be issued as per Rules.

(S.K. Sahoo)
Judge

RKM