

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.2702 OF 2022

Dhaneswar Majhi

....

Petitioner

Mr. S.K.Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S. Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

05.12.2022

Order No.

01. 1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
2. This is the second journey of the Petitioner, who is in custody in connection with Belpada P.S. Case No.187 of 2017 corresponding to Sessions Case No.13 of 2018 pending on the file of learned Addl. Sessions Judge, Patnagarh, running for the alleged commission of offence under section-302 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 that the Petitioner being arrested in the case although is in custody since 09.12.2017, the trial by now has just crossed the midway. He further submits that if in this pace, the trial proceeds then its early conclusion is not expected. He further submits that the case is based on circumstantial evidence and the circumstances too have not been proved so far through witnesses who have already been examined. In view of all these above, when there remains no scope

of tampering with the evidence and the question of the Petitioner's fleeing from justice also 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. According to him, at this stage of the trial, the release of the Petitioner on bail would not be proper.

5. Taking into account the submissions made and on going through the materials as placed; further keeping in view the surrounding circumstances including 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. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial; and
2. will not threaten or terrorise the prosecution witnesses in any manner.

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

5. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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