

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2924 of 2022

Pratap @ Tutul @ **Petitioner**
Balakrushna Swain

Mr. M.K. Panda, Advocate

-versus-

State of Odisha **Opp. Party**
Mr. Manoranjan Mishra
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
12.08.2022

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 under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Begunia P.S. Case No.80 of 2019 corresponding to S.T. Case No.79 of 2020 pending in the Court of learned 2nd Addl. Sessions Judge, Khurda for alleged commission of offences under section 302/34 of the Indian Penal Code read with section 9(B) of the Indian Explosives Act and sections 4 and 5 of E.S. Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 02.07.2019 and the earlier bail application of the petitioner in

BLAPL No.7572 of 2020 was rejected as per order dated 12.04.2021 relying on the statement of the eye witness Basanti Patra and liberty was granted to the petitioner to renew his prayer for bail after examination of the eye witness Basanti Patra. Learned counsel further stated that the said eye witness Basanti Patra has been examined as P.W.2 in the trial Court and he has not supported the prosecution case and therefore, in view of the change in the circumstances, petitioner's bail application may be favourably reconsidered.

Learned counsel for the petitioner has annexed the deposition copy of P.W.2 to the bail application.

Learned counsel for the State after going through the evidence of P.W.2 Basanti Patra fairly submitted that she has not supported the prosecution case.

Considering the submissions of the learned counsel for the respective parties, nature of evidence adduced by the eye witness during trial in not supporting the prosecution case, change in the circumstances after rejection of the earlier bail application and taking into account the period of detention of the petitioner in judicial custody and progress of the trial, I am inclined to release the petitioner on bail.

Let the petitioner be released on 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 such terms and conditions as the learned Court may deem just and proper.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



P