

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2936 of 2022

Santosh Nayak

....

Petitioner

Mr. R.K. Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
28.09.2022**

Order No.

02. 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. in connection with Jatni P.S. Case No.400 of 2018 corresponding to C.T. Case No.09/86 of 2019 pending in the Court of learned 2nd Additional Sessions Judge, Bhubaneswar for offences punishable under sections 394/302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned 2nd Additional Sessions Judge, Bhubaneswar(I/c) which was rejected on 11.03.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 01.12.2018 and when he earlier approached this Court for bail in BLAPL No.279 of 2021, the same was rejected as per order dated 22.04.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the identifying witnesses as well as other material witnesses in the trial Court. He further submitted that there is no such progress in the trial and therefore, the bail application of the petitioner may be favourably considered.

The status report dated 04.08.2022 submitted by the learned trial Court indicates that only one witness has been examined in the year 2019.

Learned counsel for the State on verification of the case record submitted that there are fifteen charge sheet witnesses.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the progress of the trial so far as per the status report, I am inclined to release the petitioner 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 with further terms and conditions as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the 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