

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2940 of 2022

Balaji Sethi @ Balaji Sethy **Petitioner**
Mr. P.S. Das, Adv.

- Versus -

State of Odisha **Opp.Party**
Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
15.09.2022

Order No.
4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 14.07.2017 in connection with Bada Bazar P.S. Case No.93 of 2017 corresponding to S.T. Case No.35 of 2018 pending in the Court of learned Sessions 3rd Addl. District & Sessions Judge, Berhampur for the alleged commission of offence under Sections 326/307/302/120(B)/147/148/149 of IPC read with Section 25(1-B)(b) of Arms Act and Sections 3 and 4 of E.S. Act.
4. It is alleged that the petitioner and other accused persons committed murder of the deceased by assaulting him by means of a sword and by hurling a bomb at him. In the meantime trial has commenced and 10 witnesses have been examined. Though all the witnesses have not supported the case of the prosecution, yet several witnesses still remain to be examined.
5. Considering the facts and circumstances, I am not inclined to grant regular bail to the petitioner. However, having regard to the fact that the petitioner is in custody for more than five years,

and trial is still in progress, the bail application is disposed of directing the learned court below to release the petitioner on interim bail for a period of three months from the date of his actual release on such terms and conditions as he may deem fit and proper to impose including the condition that the petitioner shall appear on each date of posting of the case before the court below.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

