

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2455 of 2021

T.Shiva Kumar

....

Petitioner

Mr.R.N. Biswal, 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.

08.

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 Pottangi P.S. Case No. 122 of 2019 corresponding to T.R. Case No. 49 of 2019 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput for offences punishable under sections 20(b)(ii)(C) and 25 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput, which was rejected on 16.03.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 25.12.2019 and his earlier bail application in BLAPL No.4617 of 2020 was rejected as per order dated 20.01.2021 and the learned trial Court was directed to expedite the trial and conclude the same within a period of six months from the date of receipt of the said order and the same was communicated to the learned trial Court on 18.02.2021. Learned counsel further submitted that in view of the period of detention of the petitioner in judicial custody and since the order passed in the earlier bail application of the petitioner has not been complied with, the petitioner's bail application may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for from the learned trial Court and the same has been furnished as per letter dated 18.04.2022, which indicates that out of twenty five charge sheet witnesses, six witnesses have been examined. As per order dated 06.05.2022, learned counsel for the petitioner furnished the names and addresses of two local sureties along with documents to the learned counsel for the State for verification through the Inspector in-charge of Pottangi police station, Koraput.

Today, learned counsel for the State has produced the written instruction received from

Inspector in-charge of Pottangi police station dated 18.05.2022, from which it appears that the two local sureties, namely, Abhi Benya and Gupteswar Rana appeared before him at Pottangi police station and they stated that they are interested to take the petitioner on bail in this case. The documents relating to their identity have also been enclosed along with the letter dated 18.05.2022. The instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the progress of trial so far and since the earlier order passed by this Court in BLAPL No. 4617 of 2020 has not been complied with, while not inclining to release the petitioner on bail on merit, 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.

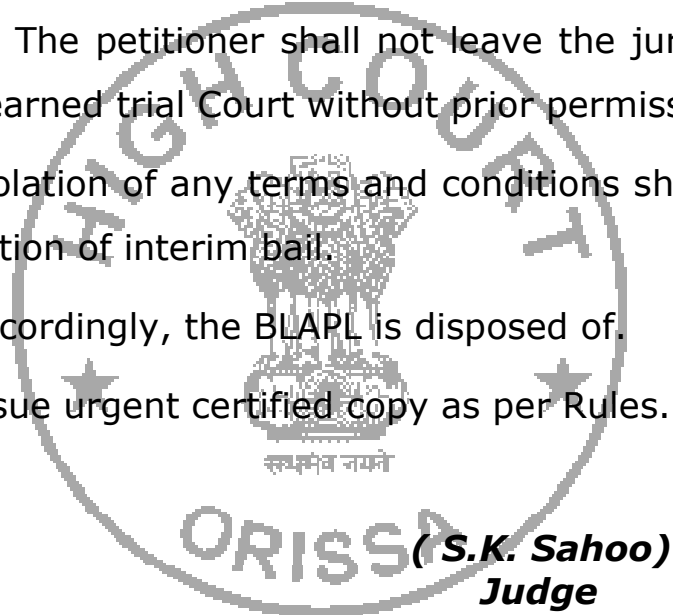
For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties, namely, Abhi Benya and Gupteswar Rana each for the like amount to the satisfaction of the learned Court in

seisin over the matter with further terms and 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, he shall not indulge in any criminal activities, he shall appear before the learned trial Court on each date on which the date would be fixed for trial and he shall appear before the Inspector in-charge of Pottangi police station on every Monday in between 10.00 a.m. to 4.00 p.m. except on that Monday on which the trial is fixed. The petitioner shall not leave the jurisdiction of the learned trial Court without prior permission.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.



PKSahoo