

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3124 of 2022

***Bhagabana Padhan @ Bhagaban
Pradhan***

.... Petitioner

Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. B. Panigrahi, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

**ORDER
5.8.2022**

Order No.

- 05.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. J. Sahoo, learned counsel for the Petitioner and Mr. B. Panigrahi, learned Additional Standing Counsel for Opposite Party - State.
 3. Perused the report of learned Sessions Judge, Bargarh dated 27th July, 2022. As per the Sessions Judge, despite repeated summons issued to the witness, namely Lalita Podh including issuance of summons through the I.I.C., Bhatli P.S., her attendance could not be procured and the trial is awaiting for her evidence.
 4. Petitioner Bhagabana Padhan @ Bhagaban Pradhan has prayed for grant of bail under Section 439 Cr.P.C. in connection with Bargarh P.S. Case No.262 of 2020 corresponding to C.T. Case No.6 of 2021 (C.T. Case No.716 of 2020) pending in the court of learned Sessions

Judge, Bargarh for alleged commission of offence under Section 302 of the Indian Penal Code.

5. It is submitted on behalf of the Petitioner that he is inside custody since 19th July, 2020 and till date only 10 witnesses have been examined. It is further submitted that the evidence of such witnesses do not directly support prosecution case to implicate the Petitioner in the offence of murder of the deceased.

6. Upon hearing Mr. Panigrahi, learned ASC for the State and considering the nature of implications against the Petitioner as well as the delay in completion of trial and the materials brought in course of trial through the witnesses examined so far, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence and shall attend the trial court on each date fixed.

7. The BLAPL is accordingly disposed of.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge