

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3148 of 2022

Kartik Kandpan @ Kartik Petitioner
Kandhapani @ Harijan

Mr.S.N. Dash, Advocate

-versus-

State of Odisha Opp.Party

Mr.Arupananda Das,
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
16.09.2022
I.A. No. 1190 of 2022

Order No.

03. This matter is taken up through Hybrid arrangement
(video conferencing/physical mode).

This is an application for interim bail.

Learned counsel for the petitioner does not want to
press this application.

The I.A. stands disposed of as not pressed.

(S.K. Sahoo)
Judge

P.T.O.

BLAPL No.3148 of 2022

04. 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 Jeypore Sadar P.S. Case No. 211 of 2020 corresponding to T.R. No.79 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Jeypore for offences punishable under sections 20(b)((ii)(C), 25 and 29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Jeypore, which was rejected on 28.03.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 24.10.2020 and his earlier bail application in BLAPL No.405 of 2021 was rejected as per order dated 30.10.2021 and direction was given to the learned trial Court to expedite the trial and if possible to conclude the same within a period of six months from the date of receipt of copy of the order and liberty was granted to the petitioner to renew his prayer for bail if the trial is not concluded within the said period. Learned counsel further submitted that since the earlier order of this Court 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 as per order dated 26.08.2022 and the learned trial Court has furnished the same vide letter dated 30.08.2022 from which it appears that not a single witness has yet been examined in the case.

Considering the submissions made by the learned counsel for the respective parties, since not a single witness has been examined in the case and the earlier order passed by this Court has not been complied with, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, 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 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 and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the interim bail period.

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

