

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3198 of 2022

Purushottam Behera @ Petitioner
Purusottam Behera

Mr.R.K. Dash, Advocate

-versus-

State of Odisha Opp. Party

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
15.11.2022

Order No.

05. 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 S.T. Case No.52/121 of 2021 arising out of Simulia P.S. Case No.7 of 2021 pending in the Court of learned 3rd Addl. Sessions Judge, Balasore for offences punishable under sections 279/201/120-B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 13.01.2021 and his earlier bail application in BLAPL No.951 of 2021 was rejected as per order dated

19.07.2021, however the petitioner was given liberty to renew the prayer for bail after examination of the material witnesses in the trial Court. Learned counsel for the petitioner further submitted that in the trial Court, all the material witnesses have already been examined and no clinching evidence has come against the petitioner relating to his involvement in the alleged crime and in view of the change in the circumstances after the rejection of the earlier bail application, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the petitioner has filed the deposition copies of ten witnesses examined in the trial Court. On 26.10.2022, when this matter was listed and copies of the depositions were served on the learned counsel for the State, he was asked to verify whether any material witnesses have been left out to be examined in the trial Court or not. Mr. Arupananda Das, learned Addl. Government Advocate on verification of the case records submitted that all the material witnesses have been examined and nothing clinching has been brought on record against the petitioner so far from the evidence of the witnesses already examined.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced during the trial so far, the period

of detention of the petitioner in judicial custody and in view of the change in the circumstances after the rejection of the earlier bail application, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to condition that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge