

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3239 of 2022

Biswakalayan Puspalak

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

02.08.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the successive journey of this petitioner, who is in custody in connection with Nayapalli P.S. Case No.26 of 2014 corresponding to C.T. Case No.134 of 2014 pending in the Court of the learned 3rd Additional Sessions Judge, Bhubaneswar for offence punishable under sections 450/302/201/379/34, I.P.C. in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 22.01.2014 and only for non-appearance of the Investigating Officer in the trial even after examination of fifteen prosecution witnesses, the trial is not being completed. He further submits that this position has been continuing since 17.12.2018. It is further submitted that the case rests on substantial evidence and this Petitioner being earlier released on interim bail, no such report adverse to his conduct has been received. In view of all these

above, he urges for reconsideration of the prayer for grant of bail to this Petitioner.

4. Learned counsel for the State opposes the move. He however submits to have received no instruction as to the reason for which the examination of the Investigating Officer is not being taken up. He submits that the circumstantial evidence so far placed before the Trial Court are enough to indicate the involvement of the Petitioner in commission of offence under section 302, I.P.C. and according to him, this Court at this stage is not permitted to take a view over the same which would impact the trial.

5. Considering the submissions made and further keeping in view the surrounding circumstances, it is directed that the Petitioner be released on interim bail till 03.11.2022 on such terms and conditions as the learned court in seisin of the case deems just and proper with further conditions that he will positively surrender on 04.11.2022; shall appear in person before the court in seisin of the case on the date fixed during the interim bail period; shall not indulge himself in any criminal activity and will not leave the jurisdiction of the court without prior permission.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D. Dash)
Judge