

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2787 of 2021

Prasanna @ Bikash Kumar Mallick ***Petitioner***
Mr.H. Mohanty, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. G.N. Rout, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
17.05.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the successive journey of the petitioner, who is in custody in connection with Pattamundai P.S. Case No.149 of 2013 corresponding to G.R. Case No.215 of 2013 pending before the learned Sessions Judge, Kendrapara running for the alleged commission of offence under sections 341/323/294/354/506/302/120-B/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 although the Petitioner being arrested in the case is in custody since 10.10.2013 and other accused persons facing the trial are on bail; the trial has not yet been completed and it is also not possible to say with certainty as to by what time it would be

completed. He further submits that although the prosecution allegation against the Petitioner is to the effect that the Petitioner assaulted the deceased by sharp cutting weapon yet the death as opined by the Doctor has resulted from the multiple injuries, which are said to have been caused by all the accused persons. It is further submitted that the Petitioner being granted interim bail for a period of six weeks has surrendered before the court after expiry of the period and is in custody, during when it is not said that he misused the liberty so granted. In view of the all these above when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence, he urges for reconsideration of grant of bail to this Petitioner.

4. Learned counsel for the State opposes the move in view of the nature and gravity of the offence for which the Petitioner is facing the trial as also the role said to have been played by him as those emerge from the record. He, however, does not dispute that the Petitioner is in custody from 10.10.2013 and that the trial is still going on.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the petitioner with other surrounding circumstances as also the period of detention of the petitioner in custody and on going through the order passed by the learned District Judge; in the absence of any such impediment; while being inclined to reconsider the prayer for bail of this petitioner; it is directed that the Petitioner be released on bail in the aforesaid case on

such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he will report before the IIC, Pattamundai P.S. fortnightly, i.e., on Monday in between 10 A.M. to 2 P.M. till conclusion of trial ; will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial; will not indulge himself in any criminal activity; and will not leave the jurisdiction of the court in seisin of the case.

5. The BLAPL is accordingly disposed of.
6. Issue urgent certified copy as per rules.

(D.Dash)
Judge

Himansu

