

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3297 of 2018

Laxman Kharsal

....

Petitioner

Mr.S.K. Tripathy, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.D.K. Pani,

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
20.05.2022**

Order No.

12.

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 Titilagarh P.S. Case No. 180 of 2017 corresponding to S.C. Case No. 68 of 2017 pending in the Court of learned Addl. Sessions Judge, Titilagarh for offences punishable under sections 341, 307, 323, 294, 354, 506, 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Titilagarh, which was rejected on 02.05.2018.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 08.06.2017 and he approached this Court for bail in BLAPL No.8070 of 2017, which was rejected as per order dated 17.01.2018 and liberty was granted to him to renew the prayer for bail after examination of all the eye witnesses in the learned trial Court. Learned counsel for the petitioner further submitted that in the meantime, out of twenty charge sheet witnesses, fourteen witnesses have been examined and therefore, in view of the period of detention of the petitioner in judicial custody, the petitioner may be granted interim bail for some time.

Learned counsel for the State opposed the prayer for bail and submitted that the eye witnesses, who have been examined as P.Ws.1, 2, 11 and 12 have supported the prosecution case.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence available on record and since some more material witnesses are yet to be examined from the side of the prosecution, at this stage, 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.

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.

(S.K. Sahoo)
Judge

PKSahoo