

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3736 of 2022

***Prasanta Kumar Pradhan Petitioner
@ Rintu***

Mr. A.K. Biswal, Advocate

-versus-

State of Odisha Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
26.10.2022**

Order No.

02. 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 Dharakote P.S. Case No.71 of 2017 corresponding to S.T. Case No.86 of 2017 pending in the Court of learned Additional Sessions Judge, Aska for offences punishable under sections 302/120-B/34 of the Indian Penal Code read with section 27 of the Arms Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Aska

which was rejected on 25.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 01.07.2017 and taking into account the delay in disposal of the trial, earlier he was granted interim bail for a period of four months in BLAPL No.698 of 2019 as per order dated 22.01.2021 and after availing the said interim bail period, he surrendered at right time. It is further submitted that only five witnesses have been examined so far in the learned trial Court and therefore, the petitioner may be granted interim bail for some more period.

The status report dated 03.10.2022 submitted by the learned trial Court indicates that out of seventeen charge sheet witnesses, only five witnesses have been examined.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier order of interim bail granted by this Court and taking into account the progress of the trial so far as per the status report submitted by the learned trial Court, 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 as the learned Court may deem just and proper subject to 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 and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the 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