

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3772 of 2022

Gadish Rana

....

Petitioner

Mr. T. Nanda, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal

Addl. Standing Counsel

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

ORDER

23.09.2022

Order No.

01.

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 Kantamal P.S. Case No.22 of 2018 corresponding to S.T. Case No.50 of 2018 pending in the Court of learned Additional Sessions Judge, Kantamal for offences punishable under sections 302/201 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.02.2018 and his earlier bail application in BLAPL No.7819 of 2020 was rejected as per order dated 18.08.2021 and the learned trial Court was directed to expedite the trial and make every endeavour to

conclude the same by the end of December 2021 and the petitioner was given liberty to renew the prayer for bail, if the trial is not concluded within the said period. It is submitted by the learned counsel for the petitioner that by that time, out of thirty charge sheeted witnesses, fifteen witnesses had been examined and thereafter only two more witnesses have been examined and therefore, the petitioner may be granted interim bail for some period.

The status report submitted by the learned trial Court dated 05.08.2022 indicates that out of thirty charge sheeted witnesses, seventy witnesses have been examined and in view of the decline memo filed by the prosecution, another four witnesses are to be examined including the Executive Magistrate, two Medical Officers and Investigating Officer and all the official witnesses have been transferred from this district.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the fact that the earlier order passed by this Court has not been complied with and taking into account the period of detention of the petitioner in judicial custody and the slow progress of the trial, 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 indulge in any criminal activities in any manner 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