

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.3333 OF 2020

Anup Manhira @ Lalu

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

13.10.2022

Order No.

06.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This is the second journey of the Petitioner in filing this application under Section-439 of the Cr.P.C. who is in custody in connection with Khetraipur P.S. Case No.23 of 2017 corresponding to G.R. Case No.409 of 2017 pending on the file of the learned Sessions Judge, Sambalpur running for commission of offence under section-302 of the IPC for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submits that the Petitioner being arrested in the case is in custody since 14.02.2017. He further submits that one of the star witnesses for the prosecution has in the meantime been examined in the trial and even accepting his version, the incident cannot be said to have taken place with any prior planning in view of his clear version that prior to the incident, the Petitioner and the deceased were quarrelling with each other and shortly thereafter the Petitioner inflicted the fatal blow. He also submits that despite such long period of detention of the Petitioner in custody, the trial is yet to conclude and now at this stage, there remains no scope on the part of the Petitioner to flee from justice

and tamper the evidence. He, therefore, he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the evidence of P.W.2 as he has directly implicated the Petitioner as the author of the crime. He however, does not dispute the position that the Petitioner being in custody since 14.12.2017, the trial is still going on.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial;
2. will not threaten or terrorize the prosecution witnesses in any manner;
3. will not indulge himself in any criminal activity; and
4. will not leave the jurisdiction of the Court in seisin of the case till conclusion of trial.

Violation of any of the condition(s) shall entail cancellation of bail.

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

**(D. Dash),
Judge.**