

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3807 of 2022

Khudra Puji @ Khudra Punji ***Petitioner***

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
28.09.2022**

Order No.

03. 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 Belpada P.S. Case No.58 of 2010 corresponding to Sessions Case No.16 of 2017 pending in the Court of learned Addl. Sessions Judge, Patnagarh for offences punishable under section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 11.05.2017 and on the ground of delay disposal of the trial, he has been released on interim bail for a period of three months in BLAPL No. 55 of 2021 as per order

dated 24.11.2021 and after availing the interim bail period, the petitioner has surrendered before the learned trial Court at right time. He further submitted that by that time, out of thirty five charge sheet witnesses, only eighteen 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.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 26.08.2022 and the learned trial Court has furnished the same vide letter dated 08.09.2022 from which it appears that out of thirty five charge sheet witnesses, twenty witnesses have been examined.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial, 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. The Inspector in-charge of Belpada police station shall keep a close vigil over the activities of the petitioner during the interim bail period.

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.

