

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3816 of 2022

Tumbeswar Saunta* *Petitioner

Mr.J.K. Khuntia, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
16.09.2022**

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 Dasmanthapur P.S. Case No. 59 of 2020 corresponding to C.T. Case No.42 of 2020 pending in the Court of learned Addl. Sessions Judge, Koraput for offences punishable under sections 302, 341/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Koraput,

which was rejected on 12.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 19.07.2020 and his earlier bail application in BLAPL No.1233 of 2021 was rejected as per order dated 30.11.2021. Learned counsel further submitted that till date charge has not been framed and therefore, the petitioner's bail application may be favourably reconsidered.

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 06.09.2022 from which it appears that charge could not be framed due to non-receipt of the C.E. report as well as material objects.

Considering the submissions made by the learned counsel for the respective parties and since till date no charge has been framed, 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