

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3104 of 2021

Kuma Khila

.... Petitioner

Mr. D. Sethi, Advocate

-versus-

State of Odisha

.... Opp .Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
15.12.2022**

Order No.

08. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Mr. Digambar Sethi, learned counsel files power on behalf of the petitioner, which is taken on record.

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 C.T. Case No.01 of 2021 arising out of Kundura P.S. Case No.41 of 2020 pending in the Court of learned Additional Sessions Judge, Jeypore for offences punishable under section 302/120-B/34 of the Indian Penal Code and section 18 of the Unlawful Activities

(Prevention) Act.

The prayer for bail of the petitioner was rejected by the learned Additional Sessions Judge, Jeypore vide order dated 05.03.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.06.2020 and in the meantime, trial has commenced and four witnesses have been examined including the informant and they have not supported the prosecution case and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail and pointed out from the rejection order filed in a connected bail application i.e. BLAPL No.10551 of 2022 that there is one criminal antecedent against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced so far by the prosecution in the trial Court and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court

in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to condition that 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, he shall appear before the learned trial Court on each date when the case would be posted for trial and he shall appear before the Inspector in-Charge of Kundura police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.



(S.K. Sahoo)
Judge

RKM