

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4092 of 2022

Sk. Sahil

....

Petitioner

Mr. K. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

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

**ORDER
30.06.2022**

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 for bail under section 439 of Cr.P.C. in connection with S.T. Case No.16 of 2022 arising out of Basta P.S. Case No.150 of 2020 pending in the Court of learned 3rd Additional Sessions Judge, Balasore for offences punishable under sections 395/412 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned 3rd Additional Sessions Judge, Balasore, which was rejected on 06.05.2022.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 05.07.2020 and his earlier bail application was rejected in BLAPL No.9236 of 2020 as per the order dated 17.12.2021 as he was identified in the test identification parade by the informant in the case and liberty was granted to the petitioner to renew the prayer for bail after examination of the identifying witness in the trial Court.

Today, learned counsel for the petitioner produced the certified copy of the deposition of the identifying witness, who has been examined as P.W.1 from which it appears that the informant failed to identify the accused persons in Court. Learned counsel further submitted that in view of the change in the circumstances and there is absence of any substantive evidence of identification of the petitioner by the identifying witness P.W.1, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State submitted that the petitioner was identified in the test identification parade.

Considering the submissions made by the learned counsel for the respective parties, since the petitioner, who has been identified in the test identification parade, has not been identified in the Court by the identifying witness and taking into account the period of detention of the petitioner in judicial custody, I am

inclined to reconsider the prayer for bail and direct the petitioner to be released 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 appear before the learned trial Court on each date when the case would be posted for trial and he shall not indulge in any criminal activities in any manner.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

