

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3408 of 2021

Ashok Kumar Sahu **Petitioner**

Mr. Niranjan Panda, Advocate

-versus-

State of Odisha **Opp. Party**

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel
Mr. H.S. Mishra, Advocate for
the informant*

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

ORDER
14.12.2022

Order No.

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

Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Sonapur P.S. Case No.116 of 2014 corresponding to Sessions Case No.8/17 of 2015 pending in the Court of learned Additional Sessions Judge, Sonapur for offences punishable under sections 302/201/34 of the Indian Penal Code read with section 27(1) of the Arms Act.

The petitioner moved an application for bail

before the Court of learned Additional Sessions Judge, Sonepur which was rejected on 26.02.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 21.09.2014 and earlier he was granted interim bail for a period of three months in BLAPL No.2411 of 2020 as per the order dated 07.10.2020 and after availing the said interim bail period, he surrendered at right time in the Court below. He further submitted that out of forty four charge sheet witnesses, nineteen witnesses have been examined so far.

As per the order dated 15.11.2022, the status report was called for from which it appears that the Public Prosecutor has given a list of nine witnesses to be examined further in the trial.

Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced so far in the trial Court, 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 and the slow progress of the trial, 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 as the learned Court may deem just and proper subject to 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 and he shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the 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