

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 4578 of 2022**

***Prakash Sethi***

***.... Petitioner***

*Mr. J.K. Panda, Advocate*

*-versus-*

***State of Odisha***

***.... Opp.Party***

*Mr. Arupananda Das*

*Additional Govt. Advocate*

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

**ORDER  
15.11.2022**

**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 Boudh P.S. Case No.236 of 2019 corresponding to S.T. Case No. 25 of 2020 pending in the Court of learned Sessions Judge, Boudh for offences punishable under sections 302/201/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of Sessions Judge, Boudh, which was rejected on 12.05.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 28.09.2019 and

his earlier bail application in BLAPL No. 4978 of 2020 was rejected as per order dated 09.12.2020 and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel further submitted that the material witnesses have already been examined and therefore, in view of the evidence adduced during trial and keeping in view the period of detention of the petitioner in judicial custody, his bail application may be favourably reconsidered. Learned counsel files the certified copies of the deposition of the material witnesses, which are taken on record.

Learned counsel for the State on verification of the case records so also the deposition copies supplied by the learned counsel for the petitioner fairly submitted that nothing has been brought on record so far against the petitioner and the case is based on circumstantial evidence.

Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application, the evidence adduced so far in the learned trial Court and 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 including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

PKSahoo

