

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4632 OF 2022

Sonu @ Kamlesh Ghosh

....

Petitioner

Mr.Nishikant Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

Order No.

02.

Order

08.08.2022

1. The matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Brajarajnagar P.S. Case No.139 of 2019 corresponding to C.T. Case No.1282 of 2019 on the file of learned S.D.J.M., Jharsuguda running for alleged commission of offence under section 307/34 of the IPC read with section 25/27 of the Arms Act, in filing this application under section 439 Cr.P.C., has prayed for his release on bail.
3. Learned counsel for the Petitioner submitted that this Petitioner being arraigned in the case as one of the conspirators in causing the death of the deceased has been in custody since 26.07.2019 and the trial of the case is yet to conclude. He further submitted that this petitioner is not among those co-accused persons, who are alleged to have directly participated in the incident and merely because the Petitioner was having some enmity with the deceased, he is said to have hatched the conspiracy in causing the incident. He further submitted that on one occasion, the Petitioner having been granted interim bail, has

surrendered in Court. It was submitted that for such long detention of the Petitioner in custody, his family members are suffering a lot and as they all depend on him, they are no more in a position to further continue without help of this Petitioner. In view of all these, he urged for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposed the move. According to him, although the Petitioner is facing the trial as a conspirator in committing the crime, yet the materials on record have come to surface against him on that score. He, however, does not dispute the position that the Petitioner having been in custody since 26.07.2019, the trial of the case is yet to conclude and that the Petitioner earlier, being granted interim bail is now in custody.

5. Considering the submissions made and on going through the materials on record, as placed; further taking into account the surrounding circumstances including the period of detention of the Petitioner in custody, it is directed that the Petitioner be released on bail by the Court in seisin of the case on such terms and conditions as deemed just and proper with further conditions that the petitioner will appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial; shall appear before the Inspector-in-Charge of the concerned P.S. on every Monday in between 10.00 am to 2.00 pm till conclusion of the Trial; shall not indulge himself in any criminal activities; and shall not leave the jurisdiction of the Court in seisin of the case without prior permission of the said Court.

6. Violation of any of the above condition(s) shall entail cancellation of bail.

7. The BLAPL is accordingly disposed of.

Issue urgent certified copy of this on proper application.

***(D. Dash),
Judge.***

Basu

