

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.4640 OF 2022

Akshaya Pradhan

Petitioner

Mr. D. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr.S.K. Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

30.09.2022

BLAPL NO.4640 OF 2022

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner in filing this Application under section-439 of the Cr.P.C. who is in custody in connection with Khandagiri P.S. Case No.48 of 2018 corresponding to C.T. Case No.14/160 of 2018 pending in the Court of learned 2nd Addl. Sessions Judge, Bhubaneswar running for commission of offence under sections 365/342/302/201/120-B of the IPC for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submits that the case against this Petitioner is resting upon circumstantial evidence. He further submits that the Petitioner being arrested in the case is in custody since 06.05.2018, when out of 39-40 prosecution witnesses only 9 witnesses have been examined and thus the conclusion of the trial is also not expected to be so soon. It is his submission that the principal accused in the case is Kailash and there is no material to connect this Petitioner with the commission of offence under Section-365/302 of the IPC and as yet those 8 witnesses have not

implicated the Petitioner, when only one witness has stated some circumstances which according to him are also not so clinching and even if accepted do not make a chain complete. At this stage, he prays for disposal of this application at least by granting interim bail to the Petitioner in view of long period of detention of the Petitioner in custody so as to look after his family members and take care of them who are no more in a position to continue without the help and assistance of this Petitioner.

4. Learned Counsel for the State opposes the move in view of the serious nature of allegations relating to commission of offence under Section-365/302/120-B of the IPC. According to him, the role of this Petitioner even if is not as the principal accused, yet he has is the chief architect hatching the plan and taking all pain continuously for its final and successful execution.

5. Considering the submissions made and on going through averments taken in the petition as well as the documents as placed; it is directed that the Petitioner be released on interim bail till 4th January, 2023 on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will not leave the jurisdiction of the Court in seisin of the case without prior permission; will not threaten or terrorize the prosecution witnesses in any manner; and will surrender before the said Court on 5th January, 2023 positively.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D. Dash),

Judge.

Narayan

