

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4754 of 2022

Tukuna Samantaray* *Petitioner

Mr. R. Chhotaray, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

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

**ORDER
28.09.2022**

Order No.

02. 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 Bolagarh P.S. Case No. 111 of 2018 corresponding to S.T. Case No.29 of 2020 of 2020 pending in the Court of learned 2nd Addl. Sessions Judge, Khurda for offences punishable under sections 498-A, 302, 304-B, 406/34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The petitioner moved an application for bail before the Court of learned 2nd Addl. Sessions Judge, Khurda, which was rejected on 19.04.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 27.10.2018 and he was granted interim bail for three months in BLAPL No.6300 of 2020 as per order dated 30.04.2021 and after availing the interim bail period, he has surrendered at right time. It is further submitted that in the meantime the informant has already been examined and out of eighteen charge sheet witnesses, ten witnesses have been examined and since the petitioner has not flouted the terms and conditions of the interim bail order, this Court may reconsider the bail application favourably.

Learned counsel for the State after going through the evidence of the informant submitted that the said witness has supported the prosecution case.

Considering the submissions made by the learned counsel for the respective parties and after going through the evidence on record, 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 conduct of the petitioner in complying with the earlier interim bail order, 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 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, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the interim bail period. The learned trial Court is directed to expedite the trial.

Violation of any 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

PKSahoo