

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4814 of 2022

Qadir Khan @ Faiz Ahmed Petitioner
@ Ashok Bihari @ Raju

Mr. K. Kanungo, Advocate

-versus-

State of Odisha Opp. Party

Mr. J. Katikia

Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
23.12.2022

Order No.

09. 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 for bail under section 439 of Cr.P.C. in connection with C.T. Case No.36 of 2019 arising out of Paradeep P.S. Case No.180 of 2016 pending in the Court of learned Additional Sessions Judge, Kujang for offences punishable under sections 302/120-B of the Indian Penal Code, sections 25(1)(B)/27 of the Arms Act and sections 3 and 4 of the Explosive Substances Act.

The petitioner moved an application for bail before

the Court of learned Additional Sessions Judge, Kujang, which was rejected on 19.05.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.03.2017 and the prosecution evidence is still continuing and some of the co-accused persons have already been released on bail and no clinching evidence has come forth against the petitioner so far in the trial and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State was asked to obtain instruction on the last date regarding the genuineness of the new surety Sangram Keshari Swain and the authenticity of the documents of both the local sureties from the Inspector in-charge of Paradeep Model police station.

Mr. J. Katikia, learned Additional Government Advocate has obtain written instruction dated 22.12.2022 from the Inspector in-charge of Paradeep Model police station from which it appears that the documents of the new surety is genuine, however, it is mentioned that the financial and social status of the sureties are not good and it would be difficult on the part of the Court to compel the sureties to produce the accused before the Court as the petitioner is a man from West Bengal. It is further mentioned that only two witnesses are yet to be examined in the case. The written instruction is taken on

record.

Learned counsel for the petitioner submitted that the petitioner will not leave the jurisdiction of the learned trial Court without seeking prior permission.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody for more than five years and ten months and the stage of trial, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.2,00,000.00 (rupees two lakhs) with two local solvent sureties each, namely, Sangram Keshari Swain and Ramesh Chandra Nayak 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 subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence. The petitioner shall give an undertaking that he shall not leave the jurisdiction of the learned trial Court without seeking prior permission and the petitioner shall also provide his contact number and place of abode within the jurisdiction of the learned trial Court to the Inspector in-charge of Paradeep Model police station, which will be verified from time to time.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Paradeep Model police station to do the needful.

Issue urgent certified copy as per Rules.



RKM