

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3809 of 2021

Islam Mahammed @ Mohammed ***Petitioner***

Mr. J.K. Panda, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
08.07.2022**

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 under section 439 of Cr.P.C. in connection with Chitrakonda P.S. Case No.91 of 2020 corresponding to T.R. Case No.99 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Malkangiri for offences punishable under sections 20(b)(ii)(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 13.09.2020 and till date, no charge sheet witness has been examined in the learned trial Court and therefore, the petitioner may be granted interim bail for some period.

Learned counsel for the State on the other hand submitted that the petitioner is a man from Kota in the State of Rajasthan and once he is enlarged on bail, it would be very difficult to ensure his attendance at the time of trial, in case he evades trial and in that event there would be delay disposal of the trial.

When such a submission was made on 20.05.2022, this Court directed the Superintendent of Police, Malkangiri to contact Superintendent of police of district Kota in the State of Rajasthan and ascertain the correctness of the address of the petitioner furnished in the cause title of the bail application. The same was verified and the Officer-in-charge of Chitrakonda police station submitted a letter dated 30.06.2022 through the learned counsel for the State wherein it is mentioned that the address furnished by the petitioner in the cause title of the bail application is an authentic one.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the fact that not a single witness has been examined in the trial Court, 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, 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.

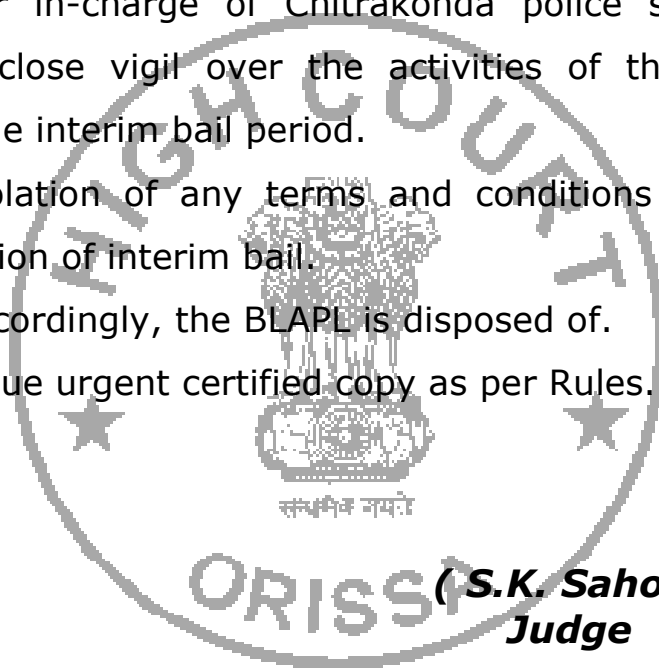
For the above period, let the petitioner be released

on interim bail in the aforesaid case on furnishing bail bond of Rs.2,00,000/-(rupees two lakh) 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. The Inspector in-charge of Chitrakonda police station shall keep a close vigil over the activities of the petitioner during the interim bail period.

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