

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.5262 OF 2022

Muna Swain

....

Petitioner

Mr. Debasis Sarangi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Jena, ASC

CORAM:

MR. JUSTICE D.DASH

Order

08.12.2022

Order No.

02.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.

2. This is the second journey of this Petitioner who is in custody in connection with Kabisuryanagar P.S. Case No.45 of 2018 corresponding to Sessions Trial No.100 of 2020 pending on the file of the learned Additional Sessions Judge, Kodala, Ganjam, running for the alleged commission of offence under sections-302/34, I.P.C. in filing this application for grant of bail in the above mentioned case.

3. At the outset, learned Counsel for the Petitioner citing the long period of detention of the Petitioner in custody since 23.03.2018 instead of pressing for hearing of the bail application on merit, prays for its disposal by considering the grant of interim bail to the Petitioner for some period. He submits that this Petitioner being arrested in connection with the above noted case is in custody since 23.03.2018, the trial is still going on. He further submits that due to such long detention of the Petitioner in custody and non-conclusion of trial, his family members are suffering a lot and serious hardship is being caused to them. It is also his

submission that till now his family members having somehow been able to manage the show, it is no more possible on their part to continue without the help and aid of this Petitioner at least for some time by their side at home. In view of all these above, when some of the important witnesses have already been examined in the trial and recording of their evidence is complete and as there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence, he urges for grant of interim bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the serious nature of the allegations which have already surfaced in evidence during the trial through the lips of eye-witnesses. He, however, does not dispute that the Petitioner being in custody since 23.03.2018 as of now the trial is continuing.

5. Considering the submissions made and further keeping in view the surrounding circumstances; it is directed that the Petitioner be released on interim bail for a period of eight (8) weeks from the date of his actual release from custody 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 Trial Court on the date fixed during the period and will surrender before the said court after expiry of the period of interim bail without fail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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