

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.4727 OF 2020

Kuna Nayak

....

Petitioner

Mr. S.D. Das, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

Mr. G.K. Mohanty, Advocate (Informant)

CORAM:

MR. JUSTICE D.DASH

Order

20.12.2022

Order No.

07.

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 S.T. Case No.26 of 2018 corresponding to G.R. Case No.308 of 2017 arising out of Chatrapur P.S. Case No.131 of 2017 pending on the file of the learned Additional Sessions Judge, Chatrapur, running for the alleged commission of offence under sections-147/148/324/326/307/302/120-B/212/149, I.P.C. and sections 25 & 27 of the Arms Act in filing this application for grant of bail in the above mentioned case.
3. At the outset, learned Senior Counsel for the Petitioner citing the long period of detention of the Petitioner in custody since 22.09.2017 at this stage, instead of pressing for hearing of the bail application on merit, urges for its disposal by considering the grant of interim bail to the Petitioner for some period. It is submitted that the family members of this Petitioner are all dependents on the Petitioner and for such long detention of this Petitioner in custody, when co-accused persons are on bail, the sufferings of the family members have gone up and till now somehow they having managed

the show, they are no more in a position to continue without further help and support from the side of the Petitioner by remaining at home and guiding them. In view of all these above, when 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 and learned counsel for the Informant oppose the move.

5. Considering the submissions made and further keeping in view the surrounding circumstances including the long period of detention of the Petitioner and factum of grant of bail to co-accused persons; this application stands disposed of accepting the submission of the learned Senior Counsel for the Petitioner. Accordingly, it is directed that the Petitioner be released on interim bail for a period of three months 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, will surrender before the said court after expiry of the period of interim bail without fail and will not indulge himself in any criminal activity.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

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