

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.5464 OF 2022

Bidyadhara Bisoi

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

08.12.2022

Order No.

01. 1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the second journey of the Petitioner, who is in custody in connection with Bhairab Singhpur P.S. Case No.121 of 2021 corresponding to C.T. Case No.243 of 2021, pending on the file of learned Addl. Sessions Judge-cum-Special Judge, Jeypore running for commission of offence under section-147/148/302/307/506/149 of the IPC, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submits that this Petitioner who is now aged about 60 years having been arrested in the case is in custody 10.09.2021 till date and the trial has not commenced by framing of the charge. He submits that this Court on the earlier occasion has granted bail to accused Khyamasagar Bisoi who is the nephew of this Petitioner and others are in custody. He submits that this Petitioner being in custody for such a long period, his nephew Khyamasagar having somehow managed the situation at home till date is no more in a position to continue as such without the help and assistance of this Petitioner. In view of all these above, he urges for reconsideration of the prayer for grant of bail to the Petitioner as there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence.

4. Learned Counsel for the State opposes the move. He however, does not dispute the position that as yet trial has not commenced by framing of the charge. It is submitted that this Petitioner being the eldest of all the accused persons under which leadership all the activities had been carried out.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner as also the surrounding circumstances including the period of detention of the Petitioner in custody; when the trial is still going on at a snail's pace; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case without fail;
2. will appear before the IIC, Bhairab Singhpur P.S. every Monday in between 10 am to 2 pm till conclusion of the trial;
3. will not indulge himself in any criminal activity;
4. will not threaten or terrorize the prosecution witnesses in any manner.

Violation of any of the above condition(s) shall entail cancellation of bail.

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

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