

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5544 of 2022

Ricky @ Sangram Patra

....

Petitioner

Mr.R.K.Pattanaik,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Jena, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

22.12.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Laxmisagar P.S. Case No.234 of 2013 corresponding to C.T. Case No.39 of 2014 pending in the Court of the learned 3rd Additional Sessions Judge, Bhubaneswar for offence punishable under section 302/34 of IPC, in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that, this Petitioner being arrested in the case is in custody since 31.08.2013 and even as of now, few more prosecution witnesses have not been examined. Inviting the attention of the Court to the letter Dt.19.01.2022 sent by the Trial Court, he submits that by then only twelve witnesses had been examined and, thereafter, there is no further development. He submits that almost all important witnesses from the side of the prosecution having already been examined, the seven left out witnesses are officials; there remains no scope on the part of the Petitioner to tamper the evidence. It is also submitted that the Petitioner is continuing with his serious eye problem and the treatment given inside the jail has not proved

so useful. He submits that when for such a long period, for no fault on the part of the Petitioner, the trial has not concluded; further detention of the Petitioner in custody would not be at all in the interest of justice. He, therefore, urges for reconsideration of the prayer for grant of bail on such terms and conditions as deemed just and proper.

4. Learned counsel for the State opposes the move. According to him, the allegations against this Petitioner are serious and he is involved in commission of offence under section 302 of IPC, when the eye witnesses have deposed as to the complicity of the Petitioner. He, however, is not in a position to counter that the Petitioner being in custody since 31.08.2013, the trial is continuing since then and still few more witnesses are to be examined. He expresses the apprehension that in case of release of the Petitioner on bail, there remains all the likelihood that he would flee from justice and indulge in commission of similar activity.

5. Considering the submissions made and on going through the materials as placed; further keeping in view the surrounding circumstances; more importantly, the long detention of the Petitioner stretching over the period of more than 9 years and 3 months, I am inclined to reconsider the prayer for grant of bail to the Petitioner. Accordingly, it is directed that the Petitioner be released on bail by the Court in seisin of the case on such terms and conditions as deemed just and proper with further condition that the Petitioner will appear in person before the Court in seisin of the case on each date of posting of this case till conclusion of the trial; will report before the IIC, Cuttack Sadar P.S. on every Monday and Thursday in between 10 a.m. to 2 p.m.; will not indulge in any criminal activity whatsoever; will not come in contact with the prosecution witnesses already examined as well as those remaining to be examined and will not move beyond the jurisdiction of the District of Cuttack and Khurda till conclusion of the trial.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy of this on proper application.

(D. Dash)
Judge

Gitanjali

