

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5581 of 2022

Rakesh @ Dibakar Mukhi* *Petitioner

Mr.R.N. Parija, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Debasis Biswal,
Addl. Standing Counsel*

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

**ORDER
29.09.2022**

Order No.

02. 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 S.T. Case No.100 of 2019 arising out of Kutra P.S. Case No.43 of 2019 pending in the Court of learned Sessions Judge, Sundargarh for offences punishable under sections 498-A/302/304-B/306 of the Indian Penal Code read with section 4 of the D.P. Act.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with this case on 03.05.2019 and when the petitioner approached this Court last time for bail

in BLAPL No.5138 of 2020, he was granted interim bail for a period of three months. He further submitted that after availing the interim bail period, the petitioner has surrendered before the learned Court below at right time and even though charge has been framed since long, but till date, not a single witness has been examined.

As per the order dated 12.08.2022, the learned trial Court has furnished the status report dated 21.08.2022 from which it reveals that no witness has been examined on behalf of the prosecution.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the terms of the earlier interim bail order, while not inclining to release the petitioner on bail on merit, I direct that the petitioner be released 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 three months period.

For the above period, let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) 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 as the

learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to tamper with the prosecution evidence and shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

Violation of any conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

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