

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.4908 OF 2020

Kuna @ Pravat Maharana ***Petitioner***
Mr. S.C. Mohapatra, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. D.R. Parida, ASC.

**CORAM:
MR. JUSTICE D.DASH**

ORDER
11.05.2022
I.A. NO.444 OF 2021

Order No.

07. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner who is in custody in connection with Nischintkoili P.S. Case No.52 of 2016 corresponding to S.T. Case No.17 of 2017 pending on the file of learned Dist. & Sessions Judge, Cuttack for commission of offence punishable under section-302 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. The petitioner has also filed an application for grant of interim bail pending disposal of the above application for grant of regular bail.
3. Learned Counsel for the Petitioner placing the fact that the Petitioner being arrested in the case is in custody since 13.05.2016; when the trial is still going on, instead of pressing the bail application for hearing and disposal on merit, prays for its disposal by considering the matter of grant of interim bail to the Petitioner for some period on the ground as stated therein.

He submits that although this Petitioner is in custody for such long period, the trial is going on and its end is not expected so

soon. He while placing the materials on record he points out as to how the prosecution has tried to improve its case from time to time in course of investigation. He however fairly states that those may not be of such significance at this stage of reconsideration of the prayer for grant of bail to the Petitioner as those would stand for consideration in the trial. He submits that the father of the Petitioner aged about 76 years who is having cardiac ailments and the mother of the Petitioner who too is suffering from Recurrent Haemoptysis need proper care and attention. It is submitted that for the absence of this Petitioner at home for a such long period, the treatment of his parents whose health condition is day by day deteriorating is not receiving the required momentum. It is also submitted that for such long absence of this Petitioner at home, his family members who are depending upon him having somehow managed till now are no more in a position to run the show without the help of this Petitioner. In view of all these above; and when the Petitioner being a permanent resident of the District of Khurda, there too arise no scope on his part to flee from justice; he urges for grant of interim bail to the Petitioner for a period of ten weeks on such terms and conditions as deemed just and proper..

4. Learned Counsel for the State opposes the move. According to him, the Interlocutory Application being of the year, 2021; at present without any supported documents of recent origin, does not merit acceptance. He further submits that the trial is on its mid way, when already eight witnesses have been examined and therefore in case of grant of interim bail to the Petitioner, the possibility of his getting indulged in tampering the evidence is not ruled out.

5. Considering the submissions made and on going through the averments taken in the Petition as also the documents annexed thereto; this Court is inclined release the Petitioner on interim bail. Accordingly, it is directed that the Petitioner be released on interim bail in the aforesaid case till 3rd July, 2022 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 Court in seisin of the case on the date/dates falling during the period of interim bail; will not leave the jurisdiction of the Court in seisin of the case without prior permission; and will surrender before the said Court on 4th July, 2022 positively.

6. The BLAPL as well as the I.A. are accordingly disposed of.

Issue urgent certified copy as per rules.

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

Narayan