

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5658 of 2022

Jadu Naik

.... Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

.... Opp.Party

Mrs.Susamarani Sahoo

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

15.12.2022

Order No.

07.

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. for grant of bail to the petitioner in connection with Boudh P.S. Case No.48 of 2018 corresponding to S.T. Case No. 73 of 2018 (02/2019) pending in the Court of learned Sessions Judge, Boudh for alleged commission of offences under sections 302, 394, 307/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Boudh, which was rejected on 20.05.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 24.08.2018 and his first bail application in BLAPL No.3291 of 2019 was rejected as per order dated 27.06.2019 taking into account the statements of the eye witnesses, namely, Sidheswar Swain and Sukadev Jagdala and liberty was granted to the petitioner to renew his prayer for bail after examination of the aforesaid eye witnesses in the learned trial Court. Learned counsel contended that in the meantime, the trial has commenced and the eye witness Sidheswar Swain has been examined as P.W.17 and he has not supported the prosecution case for which he was declared hostile and so far as eye witness Sukadev Jagdala is concerned, the prosecution declined to examine him. It is further submitted that the petitioner has not been named in the F.I.R. as an accused and though some witnesses implicated him during trial in connection with the alleged offence, but in their previous statements before the police, they have not implicated the petitioner and in view of the change in the circumstances and the period of detention of the petitioner in judicial custody, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail and placed the evidence of the witnesses examined so far in the learned trial Court so also the statements recorded under section 161 of Cr.P.C.

Considering the submissions of the learned counsel for the respective parties, the nature of evidence adduced so far by the prosecution during trial, the progress of trial and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct release the petitioner on bail.

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 such terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall not indulge in any criminal activities, shall appear before the learned trial Court when the case would be posted for trial and shall not try to tamper with the prosecution witnesses. Violation of any of the conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo