

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5687 of 2022

Mitu Gouda

...

Petitioner

Mr. S.S. Ray(2), Advocate

-Versus -

State of Odisha

....

Opp.Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.11.2022

Order No.
05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. This is a successive bail application filed by the petitioner seeking his release on bail, his earlier application having been withdrawn with liberty to renew his prayer after examination of material witnesses.
4. In the meantime, trial has begun and several witnesses have been examined. It is submitted that there are no eye-witnesses to the occurrence and the main witnesses projected by the prosecution have not yet been examined despite several opportunities.
5. Since the earlier application for bail was rejected on merits and I find no change in circumstances warranting a different view being taken at this stage, I am not inclined to allow the prayer for bail, which is therefore, rejected. However, having regard to the fact that the petitioner has been in custody for more than 2 years 11 months, I am inclined to take a lenient view by directing learned court below to release the petitioner on interim

bail for a period of three months from the date of his actual release on such terms and conditions as he may deem fit and proper to impose.

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

(Sashikanta Mishra)
Judge

A.K. Rana

