

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4831 of 2021

Garli Surendra @ **Petitioner**
G.Surendra

Mr.B.R. Tripathy, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr.A.K. Beura,
Addl. Standing Counsel
Mr.M.R. Patra, Advocate (for the
informant)*

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

ORDER
20.05.2022

Order No.

09. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the informant.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Rayagada P.S. Case No.425 of 2019 corresponding to C.T. Case No. 32 of 2020 pending in the Court of learned Sessions Judge, Rayagada for alleged commission of offences under sections 364-A, 120-B/34 of the Indian Penal Code and sections 25(1B)(a) and 27(1) of the Arms Act read with section

7 of Criminal Law Amendment Act.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Rayagada, which was rejected on 08.06.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 21.11.2019 and his earlier bail application in BLAPL No.221 of 2021 was rejected as per order dated 07.04.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the victim in the learned trial Court. Learned counsel further submitted that in the meantime, the victim has been examined in the learned trial Court as P.W.8 and he has not identified the petitioner in the dock and out of four persons he identified in Court, three of them, namely, Ganditi Bangaru, S.Prakash and S.Suraj have already been released on bail by this Court and in view of the change in the circumstances, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and placed the evidence of the victim.

Learned counsel for the informant also opposed the prayer for bail.

Considering the submissions of the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and since the victim (P.W.8) has not identified the

petitioner in dock during trial and further taking into account the release of the co-accused persons on bail, 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