

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4852 of 2021

Prabin Kumar Pollai @ ***Petitioner***
Pallai

Mr. S.K. Bhandadeo,
Advocate

-versus-

State of Odisha ***Opp. Party***

Mr. D.K. Pani,
Addl. Standing Counsel
Mr. P.S. Das, Advocate for the
informant

CORAM:

JUSTICE S.K. SAHOO

ORDER

10.01.2022

Order No.

06. This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with G.R. Case No.729 of 2020 arising out of Chatrapur P.S. Case No.380 of 2020 pending in the Court of learned S.D.J.M., Chatrapur for offences punishable under sections 498-A/304-B/306 of the Indian Penal Code read with section 4 of the D.P. Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Chatrapur, Ganjam, which was rejected on 10.05.2021.

Learned counsel for the petitioner submitted that earlier bail application of the petitioner in BLAPL No.305 of 2021 was rejected as per order dated 22.04.2021 and the petitioner was granted liberty to renew the prayer for bail after examination of the material witnesses in the trial Court. He submitted that even though the petitioner is in judicial custody since 31.12.2020 but till date the case has not been committed to the Court of Session and therefore, the bail application of the petitioner may be favourably reconsidered.

Perused the status report submitted by the learned S.D.J.M., Chatrapur dated 04.01.2022 which indicates that the case has not been committed to the Court of Session.

Learned counsel for the informant submitted that he has no serious objection, if the petitioner is enlarged on interim bail.

Considering the submissions made by the learned counsel for the respective parties, since the case has not been committed to the Court of Session, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of

the petitioner in judicial custody, I am inclined to release the petitioner 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 the three months period.

For the above period, let the petitioner be released on interim 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 come in contact with any of the prosecution witnesses or tamper with the evidence and he 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 terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge