

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5821 of 2022

Giridhari Majhi

.... Petitioner

Mr.B.R. Mohanty, Advocate

-versus-

State of Odisha

.... Opp.Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

01.12.2022

Order No.

04.

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. in connection with Naktideul P.S. Case No. 66 of 2020 corresponding to S.T. Case No.11 of 2021 pending in the Court of learned Addl. Sessions Judge, Rairakhol for offences punishable under sections 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Rairakhol, which was rejected on 23.03.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 06.05.2020 and his

earlier bail application in BLAPL No.6229 of 2021 was rejected as per order dated 08.12.2021 and liberty was granted to the petitioner to renew his prayer for bail after the examination of the eye witness in the learned trial Court. Learned counsel further submitted that in the meantime, out of thirty four charge sheet witnesses, twenty five witnesses have been examined. Learned counsel has filed the deposition copies of the witnesses and submitted that only P.W.19 has stated about the assault on the deceased and since the petitioner is a local man and there is no chance of his absconding and when the material witnesses have already been examined and there is no chance of tampering with the evidence, therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail and submitted that the petitioner assaulted the deceased by means of an axe on the neck which was deposed to by P.W.19 Dusmanta Dehury and the oral evidence of P.Ws.1 and 6 also corroborates the evidence of the eye witness and the post mortem report indicates that number of injuries have been caused on the neck of the deceased and therefore, the petitioner should not be released on bail.

Status report furnished by the learned trial Court indicates that out of thirty four charge sheet witnesses, two witnesses have been declared and twenty five witnesses have been examined.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and nature of evidence adduced so far in the learned trial Court, while not inclining to release the petitioner on bail on merit, 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 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, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

