

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5146 of 2021

Gopinath Khillo

....

Petitioner

Mr.P.K. Nanda, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.A.K. Beura,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

02.

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 Semiliguda P.S. Case No. 109 of 2019 corresponding to T.R. Case No. 31 of 2019 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput for offences punishable under sections 20(b)(ii)(C) and 25 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput, which was rejected on 21.06.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 11.11.2019 and in the earlier bail application in BLAPL No.2523 of 2020, he was granted interim bail for a period of three weeks, but the said bail application was rejected as he did not surrender at right time after availing the interim bail period in spite of taking a stand by filing a time petition along with an affidavit and a copy of the order passed in W.P.(C) No. 9095 of 2020 that due to lack of communication, he could not come to the Court.

On the submission made by the learned counsel for the petitioner that there is no progress in the trial, a status report was called for and the learned trial Court has reported as per letter dated 04.03.2022 that charge was framed on 16.11.2021, but no witness has been examined till date. It is further reported that the bar members were abstaining from Court work from 17.01.2022 to 02.03.2022 owing to Covid-19 pandemic.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial, 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 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 and shall appear before the Inspector in-charge of Semiliguda police station once in a week during the interim bail period.

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

