

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5232 of 2021

Sani Haraka

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

20.05.2022

06. 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. for grant of bail to the petitioner in connection with Bandhugaon P.S. Case No.66 of 2020 corresponding to C.T. Case No.31 of 2021 pending in the Court of learned Addl. Sessions Judge, Koraput for alleged commission of offences under section 302 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 31.07.2020 and he has been charge sheeted under section 302 of

the Indian Penal Code. It is further submitted that the earlier bail application of the petitioner in BLAPL No.8713 of 2020 was rejected as per order dated 24.02.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the eye witness in the learned trial Court. Learned counsel further stated that the eye witness has been examined as P.W.1 in the trial Court and she has not supported the prosecution case for which she has been declared hostile by the prosecution and therefore, in view of the change in the circumstances, petitioner's bail application may be favourably reconsidered.

Perused the evidence of P.W.1

Learned counsel for the State, on the other hand, opposed the prayer for bail.

Considering the submissions of the learned counsel for the respective parties, nature of evidence adduced so far by the prosecution during trial of the case, since the eye witness has not been supported the prosecution case, change in the circumstances after rejection of the earlier bail application and taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer and direct the petitioner to be released 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.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

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