

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5336 of 2021

Madhusudan Digal

....

Petitioner

Mrs. Bharati Dash, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Arupananda Das

Addl. Government Advocate

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

**ORDER
06.12.2022**

Order No.

08. 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 Phiringia P.S. Case No.48 of 2020 corresponding to C.T. Case No.33 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Phulbani for offences punishable under sections 489-A/489-C/34 of the Indian Penal and sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Phulbani which was rejected on 05.07.2021.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody since 21.06.2020 and he was granted interim bail for a period of two months in I.A. No.841 of 2021 as per order dated 26.11.2021 and after availing the same, he has surrendered at right time before the learned trial Court. Surrender certificate has been filed in that respect.

As per the order dated 21.11.2022, the learned trial Court has furnished the status report which indicates that the charge was framed on 27.04.2022 but not a single witness has been examined.

Learned counsel for the State on instruction submitted that there is no criminal antecedent against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier order of interim bail granted by this Court and the fact that not a single witness has been examined in the trial Court, 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 subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the 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