

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.5412 OF 2021

Sanjib Majhi

....

Petitioner

Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties.

Mr. S.K. Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

27.07.2022

I.A. NO.30 OF 2022

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner who is in custody in connection with Bargaon P.S. Case No.23 of 2015 corresponding to S.T. Case No.93 of 2015 pending on the file of learned Sessions Judge, Sundargarh for commission of offence punishable under section-363/366/376(D)/294/323/506 of the IPC in filing this application under section-439, Cr.P.C. for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case. The petitioner has also filed an application for grant of interim bail.
3. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 25.02.2015 and as the prosecution witnesses are not turning up, the trial is not progressing. He further submits that the position as on 10.12.2021 that four prosecution witnesses had by then been examined, has remained the same till now. He further submits that even the victim is not turning up in the trial to depose despite repeated summons being issued. In view of all these above; he urges for

grant of bail to the Petitioner as according to him further detention of the Petitioner in custody instead of serving any useful purpose would cause extreme suffering to the Petitioner as well as the members of his family who are suffering a lot and no more in a position to continue without the help and assistance from the side of this Petitioner in running the day today show.

3. Learned Counsel for the State by placing the statement of the victim recorded under Section-164 of the Cr.P.C. vehemently opposes the move. He however is not in a position to say the reason for non-examination of the victim by now. It is submitted that in view of the statement of the victim recorded under Section-164 of the Cr.P.C. wherein she has narrated about the incident in great detail, it is not a fit case for grant of bail.

4. Considering the submissions made and on going through materials on record; in the facts and circumstances, while being not inclined to reconsider the prayer for grant of bail to the Petitioner, it is directed that the Petitioner be released on interim bail in the aforesaid case till 23rd September, 2022 on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; and will surrender before the Trial Court on 24th September, 2022 positively.

5. The BLAPL as well as the I.A. are accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**