

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5472 of 2021

Tapas Mandal

.... Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

.... Opp.Party

Mr.Arupananda Das

Addl. Government Advocate

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

**ORDER
20.12.2022**

Order No.

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 Motu—P.S. Case No.01 of 2019 corresponding to C.T. Case No.57 of 2019 pending in the Court of learned Sessions Judge, Malkangiri for offences punishable under sections 302/201 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Malkangiri, which was rejected on 28.06.2022.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 05.01.2019 and his earlier bail application in BLAPL No.2121 of 2020 was rejected as per order dated 01.02.2021 taking into account the statement of the eye witness Dipankar Dhali and the petitioner was granted liberty to renew his prayer for bail after examination of the said eye witnesses. Learned counsel for the petitioner further submitted that in the meantime, Dipankar Dhali has been examined as P.W.5 and he has not supported the prosecution case, for which he has been declared hostile by the prosecution. Learned counsel further submitted that in view of the change in the circumstances after rejection of the earlier bail application, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, 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 for bail 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.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions

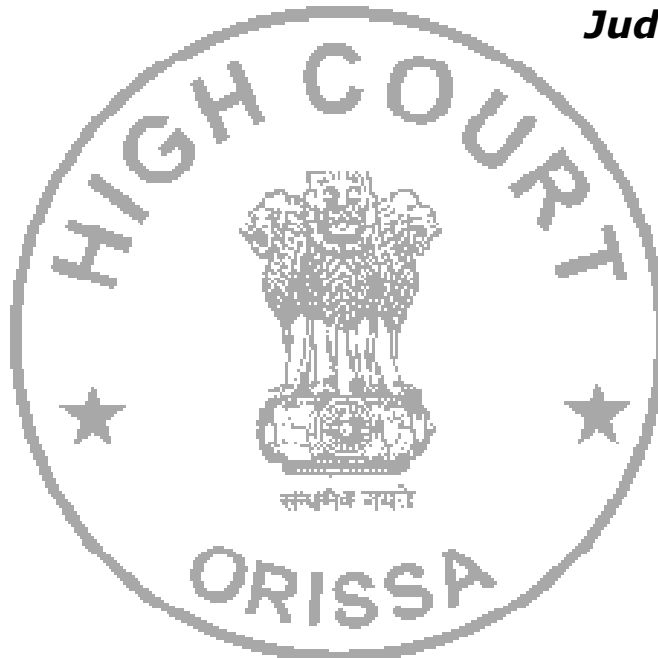
as the learned Court may deem just and proper including the conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



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