

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.5491 OF 2020

Fadi @ Kurtartha Naik

.... ***Petitioner***

Mrs. B. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

14.10.2022

Order No.

03.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.

2. This is the second journey of the Petitioner in filing this application under Section-439 of the Cr.P.C. who is in custody in connection with Banarpal P.S. Case No.145(10) of 2015 corresponding to G.R. Case No.1076 of 2015 pending on the file of the learned Assistant Sessions Judge, Angul running for commission of offence under section-395 of the IPC read with section-25/27 of the Arms Act for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.

3. Learned Counsel for the Petitioner submits that the Petitioner being taken on remand in the case is in custody since 08.10.2015. She further submits that despite such long period of detention of the Petitioner in custody, the trial has not yet reached its mid way and the witnesses examined so far too have not identified this Petitioner to be even one of the miscreants. In view of all these above, she urges for reconsideration of the prayer for grant of bail to the Petitioner as according to her now at this stage, there arises no scope on the part of the Petitioner to flee from justice and tampering the evidence.

4. Learned Counsel for the State opposes the move in view of the nature and gravity of the accusations. He however, does not dispute that the Petitioner in this case has remained in custody from 08.10.2015 and even then the trial has not made any substantial progress and the three witnesses examined have also not implicated the Petitioner in commission of said crime.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial;
2. will give his permanent and present address along with the cell-phone numbers by filing an affidavit and in case of change will submit in that manner;
3. will not indulge himself in any criminal activity; and
4. will not leave the jurisdiction of the Court in seisin of the case till conclusion of trial without proper permission.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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