

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.6526 OF 2022

Tuna Gouda

.... ***Petitioner***
Mr. D. Sarangi, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K.Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH
ORDER
30.09.2022

Order No.
01.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This is the successive journey of the Petitioner in filing this application under Section-439 of the Cr.P.C. who is in custody in connection with Kodala P.S. Case No.30 of 2016 corresponding to S.T. Case No.123 of 2017 & S.T. Case No.144 of 2019 pending on the file of the learned Additional Sessions Judge, Khallikote running for the commission of offence under section-302/120-B/34 of the IPC read with Section-25(1-B)(a)/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 although the Petitioner is in custody since 12.04.2018, yet the trial in the case has made no such substantial progress. He further submits that when other co-accused persons have been released on bail, this Petitioner is languishing in custody and for his delayed apprehension; he has already suffered a lot. He further submits that if the materials on record are plainly assessed, this Petitioner can be said to be rather in a lesser footing than those who have been released on bail. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and the

question of tampering the evidence does not arise; he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move placing the materials on record as against this Petitioner, he submits as to how and in which manner the incident had taken place in public place in broad day light. He however, does not dispute the factum of grant of bail to the co-accused persons and ha they are enjoying the liberty since long, when this Petitioner is in custody since 12.04.2018.

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 shall 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. shall appear before the Inspector-in-Charge of Kodala Police Station, on every Monday in between 10 am to 2 pm for a period till conclusion of trial; and
3. shall not indulge himself in commission of any criminal activity; and
4. shall not leave the district of Ganjam till conclusion of trial.

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.***

Narayan

