

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6760 of 20222

Krushna Chandra Jena* *Petitioner

Mr.J. Sahoo, Advocate

-versus-

State of Odisha* *Opp.Party

Mrs.Susamarani Sahoo

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

15.12.2022

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. for grant of bail to the petitioner in connection with Badagada P.S. Case No.267 of 2019 corresponding to S.T. Case No. 93 of 2021 pending in the Court of learned Addl. Sessions Judge, Bhanjanagar for alleged commission of offences under sections 395/450 of the Indian Penal Code and sections 25 and 27 of the Arms Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Bhanjanagar, which was rejected on 08.12.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 02.12.2020 and his earlier bail application in BLAPL No.2705 of 2021 was rejected as per order dated 13.07.2021 mainly on the ground that the petitioner has been identified in the test identification parade and liberty was granted to the petitioner to renew his prayer for bail after examination of the identifying witnesses in the learned trial Court. Learned counsel contended that in the meantime, the two identifying witnesses, namely, P.Seemadri Patra and K.Gitanjali Patra have been examined in the learned trial Court as P.W. 1 and P.W. 2 respectively and they have failed to identify the petitioner in the dock and therefore, the bail application of the petitioner may be favourably reconsidered. He files the certified copies of the depositions of P.Ws.1 and 2 in Court today after serving the copies of the same on the learned counsel for the State. The certified copies of P.Ws. 1 and 2 are taken on record.

Learned counsel for the State after going through the deposition copies of the aforesaid two identifying witnesses fairly submitted the said witnesses have not stated anything against the petitioner.

Considering the submissions of the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application, since the identifying witnesses have failed to identify the petitioner in the dock during the course of

trial, absence of any substantive evidence against the petitioner and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct release the petitioner on bail.

Let the petitioner be released on 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 such terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall not indulge in any criminal activities, shall appear before the learned trial Court when the case would be posted for trial and shall not try to tamper with the prosecution witnesses. Violation of any of the conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo