

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 5888 of 2021**

***Saroj Maharana***

*....*

***Petitioner***

*Mr.B.K. Raj, Advocate*

*-versus-*

***State of Odisha***

*....*

***Opp. Party***

*Mr.D.K. Pani,  
Addl. Standing Counsel*

**CORAM:**

**JUSTICE S.K. SAHOO**

**Order No.**

**ORDER**

**31.03.2022**

04. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.29 of 2021 arising out of Berhampur Sadar P.S. Case No.19 of 2020 pending in the Court of learned 1<sup>st</sup> Addl. Sessions Judge, Berhampur for alleged commission of offence punishable under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned 1<sup>st</sup> Addl. Sessions Judge, Berhampur, which was rejected on 15.07.2021.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 23.01.2020 and his bail application in BLAPL No. 3594 of 2020 was rejected as per order dated 08.12.2020 relying on the eye witness account of Rakesh Kumar Sahoo and Pramila Sahoo and the learned S.D.J.M., Berhampur was directed to expedite the commitment of the case to the Court of Session and the learned trial Court was also directed to examine the eye witnesses at the first instance after framing of charge and petitioner was given liberty to renew the prayer for bail after examination of the eye witnesses in the learned trial Court. It is contended by the learned counsel for the petitioner that till date not a single witness has been examined and therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, on the other hand, opposed the prayer for bail.

Status report submitted by the learned trial Court dated 24.12.2021 indicates that the case was posted to 20.01.2022 for evidence.

Learned counsel for the petitioner produced the order sheet dated 20.1.2022 and 21.02.2022 from which it indicates that the case has been adjourned and no witness has been examined. Certified copy of the order sheet filed by the learned counsel for the petitioner is taken on record.

Considering the submissions made by the learned counsel for the respective parties and the slow progress of trial, , while not inclining to release the petitioner on bail on

merit, but taking into account the fact that the petitioner is in judicial custody for more than two years till date and examination of witnesses has not yet commenced, I am inclined to release the petitioner on interim bail for a period of three months from the date of release.

For the above period, let the petitioner be released on interim bail in connection with 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 further terms and conditions as the learned Court may deem just and proper including the conditions that while on interim bail, the petitioner shall not tamper with the prosecution witnesses and shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy of this order on proper application.

**( S.K. Sahoo )**  
**Judge**