

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8649 of 2022

Sankar Sahu

.... ***Petitioner***
Mr. O.P. Sahu, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
27.02.2023**

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with S.T. Case No.136 of 2015 arising out of Bhanjanagar P.S. Case No.34 of 2015 pending in the Court of the learned Additional Sessions Judge, Bhanjanagar for offence punishable under sections 302/304-B/34, I.P.C. read with section 4 of the D.P. Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that the Petitioner being in custody in connection with the above case since 12.02.2015, the trial is yet to conclude when even by now three more witnesses are yet to be examined. He further submits that in the above situation, this Court earlier having granted interim bail to the Petitioner on two occasions, the Petitioner has surrendered in court in time and has been taken to custody. He also submits that no adverse report as to the conduct of the Petitioner during the period when he remained on interim bail is forthcoming. He, therefore, urges for reconsideration of the prayer for grant of bail to the Petitioner.
4. Learned counsel for the State opposes the move citing the manner in which the deceased has been done to death and the role of this

Petitioner in doing so. He, however, is not in a position to dispute that the Petitioner being in custody since 12.02.2015, the trial is still going on..

5. Considering the submissions as advanced and on going through the materials as placed; further keeping in view the surrounding circumstances including the factum of long period of detention of the petitioner in custody when the trial is not complete; while being inclined to reconsider the prayer for grant of bail to this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that:-

- (i) he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial without fail;
- (ii) will not indulge himself in any criminal activity; and
- (iii) will not leave the jurisdiction of the Court in seisin of the case without prior permission of the court.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge

H