

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6974 of 2022

Ajeet Singh @ Khadi* *Petitioner

Mr.B.K. Ragada, Advocate

-versus-

State of Odisha* *Opp.Party

Mrs.Susamarani Sahoo
Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
03.11.2022**

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. in connection with Orient P.S. Case No.180 of 2020 corresponding to C.T. (Sessions) Case No.21 of 2021 pending in the Court of learned Addl. Sessions Judge, Jharsuguda for offence punishable under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Jharsuguda, which was rejected on 11.07.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 26.09.2020 and he has

been charge sheeted under section 302/34 of the Indian Penal Code. Learned counsel further submitted that the earlier bail application of the petitioner in BLAPL No. 1448 of 2021 as rejected as per order dated 23.08.2021 taking into account the statement of the eye witness Nirmal Dash and liberty was granted to the petitioner to renew his prayer for bail after examination of the eye witnesses in the learned trial Court. Learned counsel further submitted that in the meantime one of the eye witnesses, namely, P.W.3 has been examined in the learned trial Court, but he has not stated anything against the petitioner. He further submitted another eye witness Md.Wakil Ahmmad was examined as P.W.6, but he has also not supported the prosecution case for which he was declared hostile and the eye witness Ankit Badatya has been examined as P.W.7 in the learned trial Court and though he identified the co-accused Ajit Singh @ Mania, but he stated that he could not identify the other three accused persons, who were produced through video conferencing. Learned counsel further submitted that in view of the change in the circumstances, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State on verification of the case records submitted that all the material witnesses have been examined and no evidence has come out so far against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the witnesses so far in the learned trial Court, the change in the circumstances after rejection of the earlier bail

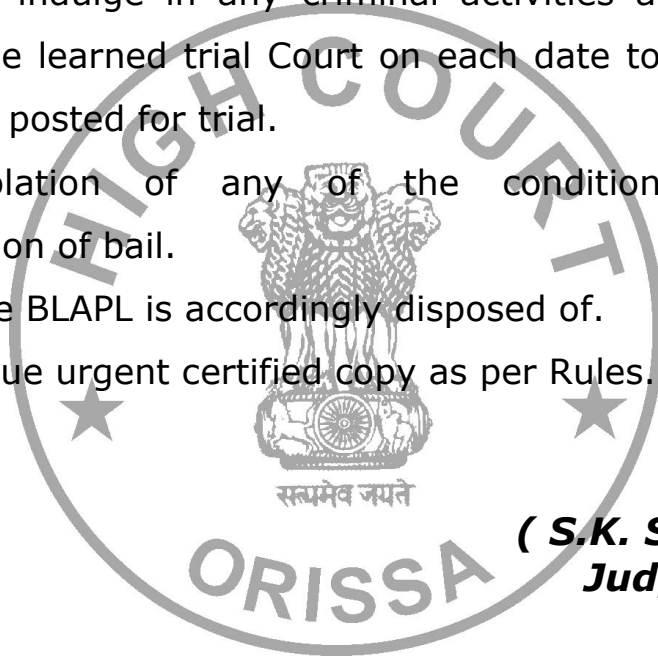
application of the petitioner and taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



(S.K. Sahoo)
Judge

PKSahoo