

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6986 of 2022

Sukanta Kumar Behera @ Pintu ***Petitioner***
Mr.S.R. Mohapatra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. S.K. Nayak,AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
06.09.2022

BLAPL No.6986 of 2022
&
I.A. No.1454 of 2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (physical/virtual mode).
2. This is the successive journey of the petitioner, who is in custody in connection with Chhendipada P.S. Case No.308 of 2021 corresponding to C.T.(s) Case No.147 of 2021 pending in the Court of the learned Ad-hoc Additional Sessions Judge (FTSC), Angul for offence punishable under sections 452/376/294/506, I.P.C. in filing the petition under section 439 of Cr.P.C. for his release on bail.

An application for grant of interim bail has also been filed by the petitioner on the ground that there arises the need

for his presence at home for looking after the treatment of his ailing father and brother.

3. Learned counsel for the petitioner, instead of pressing the bail application for disposal on merit, confines his submission with regard to grant of interim bail and accordingly, prays for disposal of both the BLAPL and I.A.

Learned counsel for the Petitioner submits that the Petitioner being arrested in the case is in custody since 29.06.2021 and the trial is yet to conclude. He further submits that this Petitioner being the only earning member of the family for his long period of detention all his family members, who are depending on him have suffered a lot and the position now is such that they can no more continue as such without the help of the Petitioner. He submits that the brother of the Petitioner is undergoing treatment as he is suffering from Cancer. It is also his submission that the father of the Petitioner is having serious Cardiac ailments and is undergoing treatment and that in the absence of the Petitioner, they are not getting proper treatment. In view of the above, he submits that the presence of this Petitioner now at home for some time would improve the situation and that is the absolute need. In this connection, he has invited the attention of this Court to the medical papers granted by the Physicians of Tata Memorial Hospital & Kokilaben Dhirubhai Ambani Hospital & Medical Research Institute annexed to the application. In view of all these above, he urges for grant of interim bail to the petitioner.

4. Learned counsel for the State opposes the move. According to him, the victim's examination in the trial being over; the release of the Petitioner on bail at this stage is likely to push the conclusion of the trial to uncertainty. He submits that when prima facie case for commission of offences under sections 452,376,294,506, I.P.C. is surfacing from the evidence so far recorded in the trial, the prayer of the Petitioner should not be accepted.

5. Considering the submissions made and on going through the materials as placed; it is directed that the Petitioner be released on interim bail for a period of six weeks from the date of his actual release from custody on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he will appear in person before the trial court on the date fixed during the period; will not indulge in any criminal activity and threaten or terrorize the prosecution witnesses including the victim and will surrender before the said court after expiry of the period of interim bail without fail.

6. The BLAPL and I.A. are accordingly disposed of.

7. Issue urgent certified copy as per rules.

(D. Dash)
Judge