

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7098 of 2022

Golu @Shankar Sahu

.... ***Petitioner***
Bini Mishra, Advocate

-versus-

State of Odisha

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

CORAM:
MR. JUSTICE D.DASH

ORDER
12.12.2022

Order No.

01. 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 Sessions Case No.53/10 of 2017 corresponding to G.R. Case No.259 of 2017 corresponding to Bolangir Town P.S. Case No.94 of 2017 pending in the Court of the learned 2nd Additional Sessions Judge, Bolangir for offence punishable under sections 302/34, I.P.C. read with section 25/27 of the Arms Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 24.03.2017 and the trial has not even reached its mid-way. She further submits that despite the direction being given while disposing the earlier two bail applications, one of the year 2018 and the other one of the year 2020 for early completion of the trial, the same has not yielded any result and it has so happened that the Petitioner is languishing in custody as an under trial prisoner when his family members are suffering like anything. She further submits that here even accepting the prosecution allegation this Petitioner is said to be then in a drunken state and he had not aimed to commit the murder of the deceased. She next submits that co-accused

persons who had accompanied this Petitioner to the place of occurrence are on bail. In view of all these above, she urges for reconsideration of the prayer for grant of bail to the Petitioner on any such terms and conditions as deemed fit and proper.

4. Learned counsel for the State opposes the move. He, however, is not in a position to dispute that the Petitioner being in custody since 24.03.2017 there has not been much of progress in the trial despite directions given on earlier occasions.

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 detention of the petitioner in custody for more than five years 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 threaten or terrorize the prosecution witnesses in any manner;
- (iii) will not indulge himself in any criminal activity; and
- (iv) 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