

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6154 of 2021

Pratap Chandra Swain* *Petitioner

Mr. K.P. Dash, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
01.12.2022**

Order No.

04.

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 Buguda P.S. Case No.223 of 2015 corresponding to S.T. Case No. 90 of 2016 pending in the Court of learned Addl. Sessions Judge, Bhanjanagar for offences punishable under sections 498-A, 302, 304-B, 406/34 of the Indian Penal Code read with section 4 of the D.P. Act.

The petitioner moved an application for bail before the Court of Addl. Sessions Judge, Bhanjanagar, which

was rejected on 19.07.2021.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with case on 03.10.2015 and he was granted interim bail previously on three occasions i.e. in BLAPL No. 6231 of 2019, BLAPL No. 3556 of 2020 and BLAPL No. 8026 of 2020 and on each occasion, after availing the interim bail period, he surrendered at right time and never flouted the terms and conditions of the interim bail orders. It is further submitted that in the learned trial Court, out of twenty six charge sheet witnesses, only fifteen witnesses have been examined and in view of the conduct of the petitioner in complying with the earlier interim bail orders and the slow progress of trial, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Perused the status report dated 24.11.2022 furnished by the learned trial Court from which it reveals that out of twenty six charge sheet witnesses, fifteen witnesses have been examined.

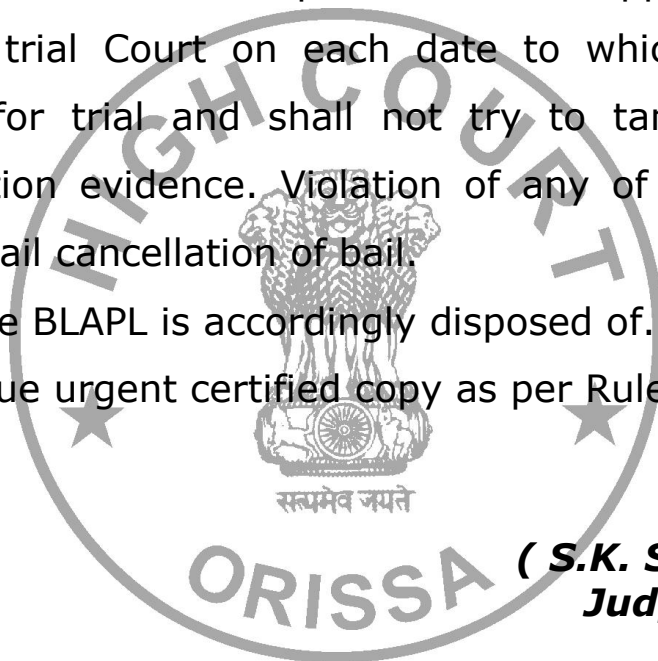
Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier interim bail orders

and the slow progress of trial, 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 the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. 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