

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7645 of 2019

Manchan Mirdha

....

Petitioner

Mr. D.K. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
14.12.2022**

Order No.

07. 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 Hemagiri P.S. Case No.84 of 2017 corresponding to S.T. Case No.97 of 2017 pending in the Court of learned Sessions Judge, Sundargarh for offence punishable under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Sundargarh, which was rejected on 13.05.2019.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 12.08.2017 and when he approached this Court in BLAPL No. 9752 of 2017, the same was rejected as per order dated 20.03.2018 relying on the statements of eye witnesses, namely, Pinki Khadia and Jagadisha Khadia. Learned counsel further submitted that the said two eye witnesses have been examined in the learned trial Court and they have not supported the prosecution case. Learned counsel for the petitioner has annexed the deposition copies of twenty two witnesses and submitted that no clinching evidence has come against the petitioner and therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State placed the evidence of Pinki Khadia (P.W.3) and Jagadisha Khadia (P.W.1).

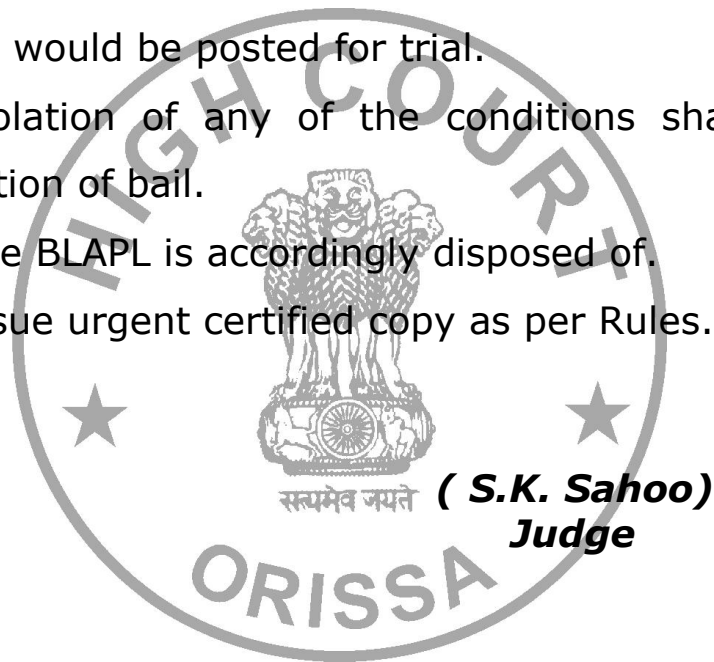
Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application, the nature of evidence adduced by the prosecution so far in the learned trial Court and further taking into account the period of detention 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.



PKSahoo