

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7163 of 2022

Sk. Akbar Tulla

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

ORDER

27.10.2022

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 T.R. Case No.150 of 2019 arising out of Mithili P.S. Case No. 163 of 2019 pending in the Court of learned Additional Sessions Judge –cum– Special Judge, Malkangiri for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 23.11.2019 and his earlier bail application in BLAPL No.4525 of 2020 was rejected as per order dated 12.01.2021 and direction was given to the learned trial Court to expedite the trial and if possible to

conclude the same within a period of six months from the date of receipt of a copy of the order. It is further submitted that the earlier order has not been complied with and the petitioner is a local man and there is no chance of absconding and therefore, the petitioner may be granted interim bail for some period

Perused the status report dated 30.09.2022 furnished by the learned trial Court from which it appears that out of eighteen charge sheet witnesses, nine witnesses have been examined so far.

Considering the submissions made by the learned counsel for the respective parties and the earlier direction of this Court has not yet been complied with, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions that while on interim bail, the petitioner

shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

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