

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6223 of 2021

Dhansingh Dalapati* *Petitioner

Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
27.09.2022**

Order No.

03. 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 C.T. Case No.03 of 2021 arising out of Andhirakancha P.S. Case No.68 of 2020 pending in the Court of learned Sessions Judge, Rayagada for offences punishable under section 302/201/34 of the Indian Penal Code read with sections 25/27 of the Arms Act.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Rayagada, which was rejected on 23.06.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 24.09.2020 and when he approached this Court for bail in BLAPL No.8728 of 2020 and as per order dated 03.03.2021 mainly relying on the statement of the witnesses, namely, Harish Chandra Dalapati and Bibhisan Jhodia, the bail application was rejected, however liberty was granted to the petitioner to renew the prayer for bail after examination of the material witnesses in the trial Court. Learned counsel further submitted that in the meantime, trial has commenced and eighteen witnesses have been examined including Harish Chandra Dalapati and Bibhisan Jhodia as P.W.16 and P.W.18 and both of them have not supported the prosecution case. He produced the certified copy of the witnesses, which are taken on record. He further submitted that in view of the change in the circumstances, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State after going through the copy of the witnesses fairly submitted that P.W.16 and P.W.18 have not supported the prosecution case.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced so far in the trial Court, the period of detention of the petitioner in judicial custody and in view of the change in the circumstances after the rejection of the

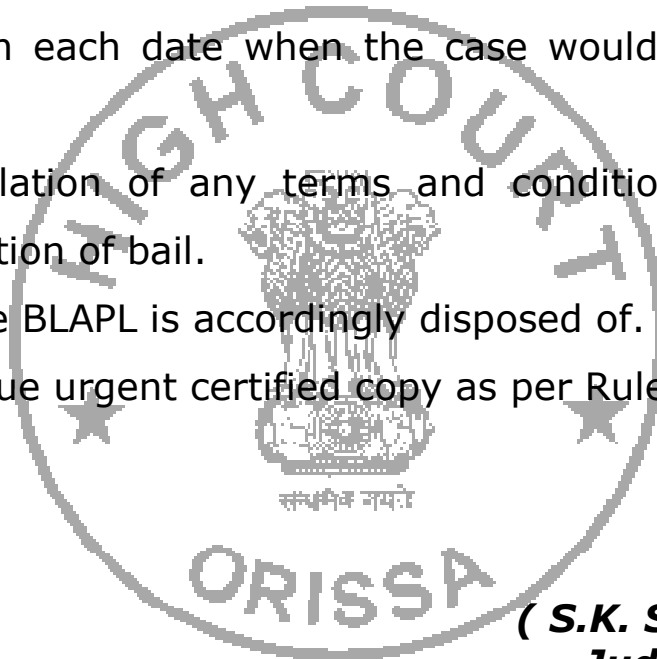
earlier bail application, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

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 subject to condition that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



(S.K. Sahoo)
Judge

RKM