

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7223 of 2022

Pituna @ Birendra Bhoi

....

Petitioner

Mr. S. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. J. Sahoo, Advocate (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

02.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
3. The Petitioner is an accused in C.T. Case No.125 of 2022, pending on the file of learned Sessions Judge, Khurda at Bhubaneswar, arising out of Airfield P.S Case No.133 of 2022, for commission of the alleged offence under Sections 147/148/149/386/341/294/323/324/307/506.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda at Bhubaneswar by order dated 21.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 2.6.2022 and as charge sheet has already been filed in the meanwhile, his further continuance in custody is unwarranted.
6. Learned counsel for the Informant places on record the copy of the FIR in Air Field P.S. Case No.260 dated 19.10.2022 wherein it

is stated that at the instance of the present Petitioner the informant and his family are being threatened. The said FIR is taken on record.

7. It is further submitted by the learned counsel for the Informant that the Informant is undergoing treatment in Swami Vivekanand National Institution of Rehabilitation Training and Research.

8. It is further submitted that keeping in view the injury sustained, the Petitioner ought not to be released on bail at this stage even though charge sheet has been filed.

9. Considering the nature of allegation and the period of custody, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

10. To allay the legitimate apprehension of the learned counsel for the Informant and the learned counsel for the State regarding threat to the Informant and his family and taking into account the specific allegation against the present Petitioner, this Court directs that the Petitioner shall appear before the jurisdictional police station of the learned Court in seisin over the matter twice every week till conclusion of trial. It shall be open to the Informant to seek variance of the order, in the event there is any violation of the conditions imposed.

11. Needless to state that the order passed in the present bail application shall not stand on the way of the ongoing investigation in Air Field P.S. Case No.260 of 2022.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge