

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7390 of 2022

Biswanath Majhi

....

Petitioner

Mr.R.N. Parija, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo
Addl. Standing Counsel*

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

**ORDER
02.11.2022**

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 for bail under section 439 of Cr.P.C. in connection with S.T. Case No.30 of 2021 arising out of Oupada P.S. Case No.71 of 2020 pending in the Court of learned Sessions Judge, Balasore for offences punishable under section 302 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 20.08.2020 and his earlier bail application in BLAPL No.724 of 2021 was rejected as per order dated

23.08.2021 and the petitioner was granted liberty to renew his prayer for bail after examination of the eye witnesses in the learned trial Court. Learned counsel for the petitioner submitted that in the meantime, trial has commenced and except the widow of the deceased, all other witnesses have been examined and none of them have supported the prosecution case.

Considering the submissions made by the learned counsel for the respective parties, nature of evidence adduced during course of the trial and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing a 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 conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

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

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

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