

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7428 of 2022

Sida Soren

.... ***Petitioner***
Mr. B. Mohapatra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
23.09.2022

Order No.

01. 1. This matter is taken up hybrid arrangement (virtual/physical) mode.
2. This is the second journey of this petitioner, who is in custody in connection with Khunta P.S. Case No.56 of 2018 corresponding to S.T. Case No.149 of 2018 pending in the Court of the learned Sessions Judge, Mauyrbhanj for offence punishable under sections 302/201, I.P.C. in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 13.06.2018 and by now the trial has not even crossed its midway. He further submits that the prosecution case against the Petitioner rests on circumstantial evidence and the circumstances are that the Petitioner had hot exchange of words with the deceased some time before the recovery of the dead body and the opinion of the Doctor is that it was a homicidal death. He further submits that when the prosecution projects the Call Detail Report as an important circumstance in saying that the deceased and the Petitioner were within the same tower network, fact remains that the radius of the tower is 29 kilometers. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and the question of tampering the evidence does not arise, he urges for reconsideration of

the prayer for grant of bail to this Petitioner as his further detention till conclusion of trial would not be in the interest of justice.

4. Learned counsel for the State opposes the move. According to him, the circumstances collected against the Petitioner are sufficient to form a complete chain. He, however, does not dispute the position that the trial has just crossed the midway.

5. Considering the submissions made; further keeping in view the materials on records with other surrounding circumstances as also the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for bail of this petitioner, it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he will not terrorize or threaten the prosecution witnesses; will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial and will not leave the jurisdiction of the court in seisin of the case without prior permission.

6. The BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(D. Dash)
Judge