

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6272 of 2020

Gandaram Sandha

.... ***Petitioner***
Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha

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

CORAM:
MR. JUSTICE D.DASH

ORDER
13.09.2022

Order No.

05. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Tarava P.S. Case No.64 of 2013 corresponding to S.C. No.75/01 of 2013-15 pending in the Court of the learned Additional Sessions Judge, Sonepur for offence punishable under sections 302/506/34, 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 on the allegation that the Petitioner has done the deceased to death by inflicting a Tabil blow on his head; the Petitioner being arrested in the case is in custody since 20.07.2013 and as yet the trial has not been completed. He further submits that the evidence of the wife of the deceased being gone through, there surfaces some infirmity which of course are to be taken care of in the trial. He further submits that the Petitioner having been granted interim bail has in the meantime surrendered and no such adverse report on his conduct during the period has come. In view of all these above, he urges for reconsideration of the prayer for grant of bail to the Petitioner as further detention of the Petitioner in custody would not be in the interest of justice

4. Learned counsel for the State vehemently opposes the move. According to him, this Petitioner is the principal accused and he has delivered the fatal blow on the head of the deceased by a Tabil which has resulted the death and that evidence on being accepted, clearly a case against the Petitioner for commission of offence under section 302, I.P.C. would stand. While not disputing the position that the wife of the deceased in the meantime has been examined in the trial as P.W.17, he, however, points out that one more eye witness is yet to come to the witness box.

5. Considering the submissions made: further keeping in view the materials on records as those stand against the petitioner 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 with 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 in any manner; will not indulge himself in any criminal activity; 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 appear before the Inspector-in-Charge of Tarava P.S. on every Monday in between 10.00 a.m. to 2.00 p.m. till conclusion of trial.

6. The BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(D. Dash)
Judge