

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.6716 OF 2021

Lipan Sahoo

....

Petitioner

Mr. M. Kanungo, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K. Nayak, AGA,

Mr. S.C. Mohapatra, Adv. (Informant).

CORAM:

MR. JUSTICE D.DASH

ORDER

11.07.2022

Order No.

01. 1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Chauliaganj P.S. Case No.08 of 2019 corresponding to S.T. Case No.56 of 2020 pending on the file of learned 3rd Additional Sessions Judge, Cuttack, running for the alleged commission of offence under section-498-A/302/34 of the IPC, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner.
3. Mr. Millan Kanungo, learned Senior Counsel for the Petitioner submits that despite such long detention of the Petitioner in custody since 08.01.2019, all the witnesses have not yet been examined and therefore conclusion of the trial is not expected so soon. He further submits that during the period of detention of this Petitioner in custody, he having been granted interim bail has always surrendered before the Court in

time and during the period has not misused the liberty. He further submits that the case is based on circumstantial evidence. He submits that the circumstances so projected by the prosecution are not that strong to prima facie complete the chain. In view of the all these above, he submits that further detention of the Petitioner in custody is not warranted. He therefore, urges for reconsideration of the prayer for grant of bail to the Petitioner on such terms and conditions as deemed just and proper.

4. Learned Counsel for the State and the Informant oppose the move. According to them, several witnesses having already been examined in the trial, only after examination of few more, the trial would be completed. They however do not dispute that the case is based on circumstantial evidence. According to them, the circumstances which are emanating from the evidence are quite clinching and all such circumstances being joined together would make the chain complete ruling out any hypothesis other than the guilt of the Petitioner or not is a matter to be decided in the trial and not at this stage.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner 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;
2. will not threaten or terrorise the prosecution witnesses in any manner; and
3. will not leave the jurisdiction of the Court in seisin of the case without prior person.

Violation of any of the condition(s) shall entail cancellation of bail.

5. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

Narayan

