

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6795 of 2021

Badar Bhatra

.... ***Petitioner***
Mr. Mahes Das, Advocate

-versus-

State of Orissa

.... ***Opposite Party***
Mr. K.K. Nayak, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
09.02.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 4b39 Cr.P.C. filed by the Petitioner for bail in connection with Dabugaon P.S. Case No.54 of 2019, corresponding to C.T. Case No.24 of 2019, pending in the file of learned Additional District and Sessions Judge, Umerkote, for commission of alleged offence under Section 302 I.P.C.
3. Heard learned counsel for both the parties. Perused the Case Diary.
4. Learned counsel for the Petitioner submits that there was no eye witness to the occurrence. The case of the prosecution is based only on circumstantial evidence and due to some previous enmity, he has been falsely entangled in the case. It is further submitted that Petitioner has been languishing in jail custody since the date of his arrest, i.e. 28.04.2019, which is near about three years.

5. Learned counsel for the State on the other hand submits that although it is a case based on circumstantial evidence but there are enough circumstances, like leading to discovery and last seen together, wherein the present Petitioner can easily be implicated in the crime. He, however, vehemently objects to the bail of the present Petitioner. It is submitted that since the trial of the case is not likely to be completed in the near future, the Court may exercise its judicial power to decide the matter. But in the event of release of the Petitioner, stringent conditions may be imposed on the present Petitioner.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioner and keeping in view the facts and circumstances of the case, I am inclined to enlarge the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not tamper the evidence, show threat to the prosecution witness and cooperate with the investigation.

7. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody, till conclusion of the trial. It is further directed that the court in seisin of the matter may impose any additional condition(s), if situation so warrants.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

