

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7914 of 2022

***Rajesh Nayak @ Rajesh Kumar
Nayak***

Petitioner
Mr.B.B.Routray,
Advocate

-versus-

State of Odisha

Opposite Party
Mr. S.Jena, ASC

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
19.12.2022**

Order No.

01. 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 Bheden P.S. Case No.83 of 2018 corresponding to C.T. Case No.83/2018 (arising out of C.T Case No.510 of 2018) pending in the Court of the learned Sessions Judge, Bargarh for offence punishable under sections 498-A/304-B/302/34 of I.P.C. Section 4 of D.P. Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that, in this case out of 35 prosecution witnesses, by now only 12 have been examined and the Petitioner has been languishing in custody from 16.05.2018. He further submits that the allegations against this Petitioner are all omnibus in nature and no such specific incident is being cited by the witnesses. In view of all these, looking at the pace of trial when it is not going to be completed so soon, he urges for reconsideration of the prayer for grant of bail to this Petitioner, as according to him, no such scope is there for the petitioner to flee from justice and the question of tampering of evidence does not arise.
4. Learned counsel for the State opposes the move.

5. Considering the submissions made and on going through the materials on record, as placed; further taking into account the surrounding circumstances including the period of detention of the Petitioner in custody; it is directed that the Petitioner be released on bail by the Court in seisin of the case on such terms and conditions as deemed just and proper with further condition that the Petitioner will appear in person before the Court in seisin of the case on each date of posting of this case without fail; and will not leave the jurisdiction of the Court in seisin of the case without prior permission.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy of this on proper application.

