

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7964 of 2022

Krushna Chandra Gouda Petitioner

*Mr. Jagabandhu Sahoo
Senior Advocate*

-versus-

State of Odisha Opp.Party

*Mr.Arupananda Das
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
04.11.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. Jagabandhu Sahoo, learned Senior Advocate appearing for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Buguda P.S. Case No.265 of 2019 corresponding to S.T. Case No.15 of 2021 pending in the Court of learned Addl. Sessions Judge, Bhanjanagar for offences punishable under sections 363, 302, 201/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Bhanjanagar, which was rejected on 03.06.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.11.2019 and he has been charge sheeted under sections 363, 302, 201/34 of the Indian Penal Code. Learned counsel further submitted that when the petitioner approached this Court last time for bail in BLAPL No. 6502 of 2021, the same was rejected as per order dated 14.12.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel further submitted that the case is based on circumstantial evidence and the main material is the last seen theory and the mother of the deceased Smt. Anjali Jena has been examined in the learned trial Court as P.W.1 and the witness to the last seen, namely, Papun Kumar Behera, who has been examined as P.W.4 and he has not supported the prosecution case and eight witnesses have already been examined so far in the learned trial Court. Learned counsel further submitted that in view of the change in the circumstances after rejection of the earlier bail application, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State on instruction submitted that the petitioner is having no criminal antecedents. He placed the evidence of the witnesses examined so far in the learned trial Court.

Considering the submissions made by the learned counsel for the respective parties, change in the

circumstances after rejection of the last bail application, the nature of evidence adduced so far in the learned trial Court and taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo