

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6883 of 2020

Narendra Gadika

.... ***Petitioner***
Mr. R. Acharya, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. G.N. Rout, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
17.05.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement.
2. This is the successive journey of this petitioner, who is in custody in connection with Chandrapur P.S. Case No.23 of 2016 corresponding to G.R. Case No.373 of 2016 converted to C.T. Case No.20 of 2017 pending in the Court of the learned Additional Sessions Judge, Gunupur for offence punishable under sections 302/201/506/34, 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 this Petitioner being arrested in the case is in custody since 16.12.2016 and as yet out of 28 numbers of prosecution witnesses only 22 witnesses have been examined and the next date of trial is 10.06.0222. He further submits that all other accused persons including the accused Naresh similarly situated with the Petitioner insofar as the allegations are concerned are on bail and they are abiding by the terms and conditions imposed for the purpose. In the above situation, he urges for reconsideration of the prayer for grant of bail to the Petitioner on such terms and conditions as deem just and proper as according to him, further detention of the Petitioner would not be in the interest of justice.

4. Learned counsel for the State opposes the move citing the materials collected in course of investigation as against this Petitioner and as those have surfaced in evidence during the trial.

5. Considering the submissions as advanced and on going through the averments made in the F.I.R.; further keeping in view the surrounding circumstances including the factum of detention of the petitioners in custody since 16.12.2016 and release of co-accused persons on bail; 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 appear in person on each date of posting of the case before the court in seisin of the case without fail.

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

(D. Dash)
Judge