

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.7097 OF 2021

Rashmikanta Sahu

....

Petitioner

Mr.S.C. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

16.03.2022

Order No.

- 01.
1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. This is the successive journey of the Petitioner in filing this application under section 439, Cr.P.C. in connection with Chandrasekharpur P.S. Case No.354 of 2016 corresponding to C.T. Case No.1/1 of 2017 pending on the file of learned 1st Addl. Sessions Judge, Bhubaneswar for commission of offence punishable under section-302 of the I.P.C for his release on bail in the above mentioned case.
 3. Learned Counsel for the Petitioner at the outset instead of pressing this bail application for hearing on merit, prays for its disposal considering the prayer for grant of interim bail to the Petitioner. He submits that although the Petitioner is in custody since 25.08.2016, the trial has not yet been completed. He further submits that the evidence so far recorded are not enough to conclude that a prima facie case has been established

against this Petitioner for commission of alleged offence. It is submitted that for such long detention of the Petitioner in custody and in view of the progress of the trial at a such snail's pace, the Petitioner as well as his family members are suffering a lot and the family members having been able to manage the situation till now, are no more able to continue with their day today living without help of this Petitioner for which presence of this Petitioner for at least 10 weeks at home at this hour stands as of necessity. He also submits that earlier the Petitioner being granted interim bail has not misused the liberty and surrendered in time. It is submitted that the Petitioner being a permanent resident of the district of Khurda, there remains no scope on his part to flee from justice and the question of tampering the evidence at this stage does not arise. In view of all these above; he urges for grant of interim bail to the Petitioner.

4. Learned Counsel for the State opposes the move, in view of the evidence already recorded in the trial implicating the Petitioner. He however, does not dispute the position that the Petitioner being in custody since 25.08.2016, the trial has not yet been concluded. It is explained that in view of the long prevailing Pandemic of COVID-19 situation, the delay has occasioned. He however submits to have not received any information as to misuse of the liberty during the period; the Petitioner was on interim bail.

5. Considering the submissions made, it is directed that the Petitioner be released on interim bail till 18th May, 2022 on

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 before the Court in seisin of the case on the date/dates falling during the period of interim bail; will appear before the IIC, Chandrasekharpur P.S. every Monday in between 10 am to 2 pm; will not terrorize or threaten the prosecution witnesses in any manner and indulge in any criminal activity; and will surrender before the said court on 19th May, 2022 positively.

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

**(D. Dash),
Judge.**

Narayan

