

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7106 of 2021

Siyaram Yadav

....

Petitioner

Mr. Manas Chand, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D.K. Pani,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

13.05.2022

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

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Boudh P.S. Case No.113 of 2015 corresponding to Special Case No.35 of 2015 (N.D.P.S. Act) pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Boudh for alleged commission of offences under section 20(b)(ii)(C) of the N.D.P.S. Act and sections 435/201/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge

-cum- Special Judge, Boudh, which was rejected on 05.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 28.05.2015.

Status report dated 05.05.2022 submitted by the learned trial Court indicates that out of fourteen charge sheeted witnesses, nine witnesses have been examined and P.W.9's examination in-chief is going on and the last witness i.e. P.W.9 was examined on 15.12.2021.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the slow progress of the trial, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. The petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the aforesaid period, let the petitioner be released on interim bail in the aforesaid case on furnishing cash security of Rs.50,000/- (rupees fifty thousand) and bail bond of Rs.2,00,000/-(rupees two lakh) with two local solvent sureties each for the like

amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities, he shall appear before the learned trial Court on each date to which the case would be fixed for trial during the period of interim bail.

The aforesaid amount of cash security shall be kept in any Nationalized Bank in a short-term fixed deposit scheme, which shall be refunded to the petitioner with interest subject to the petitioner surrendering on time.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

RKM