

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7141 of 2021

1. Gopi Badnaik **Petitioners**
2. Sitama Badnaik

Mr.D.R. Bhokta, Advocate

-versus-

State of Odisha **Opp. Party**
Mrs. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER

21.11.2022

Order No.

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

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

Learned counsel for the petitioners has filed the certified copies of deposition of four witnesses examined so far in the learned trial Court, which are taken on record

This is an application under section 439 of Cr.P.C. in connection with Padwa P.S. Case No.67 of 2017 corresponding to C.T. Case No.6 of 2018 pending in the Court of learned Addl. Sessions Judge, Koraput for offences punishable under sections 498-A/302/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted

the petitioners are parents-in-law of the deceased Dalima Khilla @ Badanaik and they were taken into judicial custody in connection with the case on 04.08.2017 and on account of delayed disposal of the trial, they were granted interim bail for a period of three months as per order dated 19.03.2021 passed in BLAPL No.4256 of 2019 and after availing the interim bail period, they surrendered at right time. He further submitted that till date, there is no such progress in the trial and in view of the delay in disposal of the trial, the petitioners may be granted interim bail for some time.

The status report dated 03.11.2022 submitted by the learned trial Court indicates that out of total twenty eight charge sheeted witnesses, only four witnesses have been examined so far.

Learned counsel for the State has no serious objection to the grant of bail of the petitioners.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioners in judicial custody, the conduct of the petitioners in complying with the earlier order of interim bail granted by this Court, I am inclined to release the petitioners on interim bail for a period of three months from the date of release and the petitioners shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioners be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) 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 subject to conditions that while on interim bail, the petitioners shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, they shall not indulge in any criminal activities and they shall appear before the learned trial Court on each date on which the date would be fixed for trial. The Inspector in-charge of Padwa police station shall keep a close vigil over the activities of the petitioners during the interim bail period.

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

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge