

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7161 of 2021

Gobindamma Achari @ Petitioner
Choubey

Mr.A.K. Raut, Advocate

-versus-

State of Odisha Opp.Party

Mr.Rajesh Tripathy,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
16.09.2022

Order No.

03. 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 under section 439 of Cr.P.C. in connection with Jharsuguda GRPS Case No. 02 of 2018 corresponding to S.T. Case No.78 of 2018 pending in the Court of learned Sessions Judge, Jharsuguda for offence punishable under section 302 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Jharsuguda, which was rejected on 04.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.01.2018 and her earlier bail application in BLAPL No.4290 of 2018 was rejected as per order dated 09.08.2018 and liberty was granted to the petitioner to renew her prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel further submitted that since there is no substantial progress in the trial and the petitioner is a lady, the bail application may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 26.08.2022 and the learned trial Court has furnished the same vide letter dated 30.08.2022 from which it appears that out of twenty one charge sheet witnesses, seven witnesses have been examined and the case was posted to 06.09.2022 and 07.09.2022 for hearing.

Considering the submissions made by the learned counsel for the respective parties and the slow progress of trial, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody and keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release the petitioner on interim bail for a period of three months from the date of release and

the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner 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 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 and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the interim bail period.

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

PKSahoo