

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8201 of 2022

Trilochan Jaypuria* *Petitioner

Mr.S. Mohanty, Advocate

-versus-

State of Odisha* *Opp.Party

Mr.Manoranjan Mishra
Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
27.09.2022**

Order No.

01. 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. for grant of bail to the petitioner in connection with Laikera P.S. Case No.76 of 2018 corresponding to S.T. Case No. 59 of 2018 pending in the Court of learned Sessions Judge, Jharsuguda for alleged commission of offences under sections 302/201 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Jharsuguda, which was rejected on 20.05.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 09.05.2018 and when he approached this Court earlier for bail in BLAPL No.4989 of 2019, the same was rejected as per order dated 20.08.2019 taking into account the evidence of the eye witness, namely, Fakir Mohan Buda and he was granted liberty to renew his prayer for bail after examination of the said witness. He further submitted that in the meantime the trial has commenced and the said witness Fakir Mohan Buda has been examined as P.W.8 and he has not supported the prosecution case and therefore, the prayer for bail may be favourably reconsidered. Learned counsel for the petitioner has annexed the deposition copy of the said witness.

Learned counsel for the State after going through the deposition copy of P.W.8 fairly submitted that the said witness has been declared hostile by the prosecution.

Considering the submissions of the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application and since the eye witness to the occurrence has not supported the prosecution case and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct release the petitioner on bail.

Let the petitioner be released on 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 such terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall not

indulge in any criminal activities, shall appear before the learned trial Court when the case would be posted for trial and shall not try to tamper with the prosecution witnesses. Violation of any of the conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

