

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8221 of 2022

Amarsingh Karuan* *Petitioner

Mr.S.K. Dwibedi, Advocate

-versus-

State of Odisha* *Opp.Party

Mr.Debasis Biswal

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 Belpada P.S. Case No.146 of 2019 corresponding to Sessions Case No. 06 of 2020 pending in the Court of learned Addl. Sessions Judge, Patnagarh for alleged commission of offences under sections 341, 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Patnagarh, which was rejected on 16.08.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.09.2019 and when he

approached this Court for the first time in BLAPL No.2091 of 2020, the same was rejected as per order dated 23.11.2020 mainly relying on the statement one Amarsingh Karuan, who is a witness to the extra judicial confession and also recovery of weapon of the offence and post mortem report findings. Learned counsel further submitted that the second bail application of the petitioner in BLAPL No.684 of 2020 was disposed of as per order dated 06.05.2022 and he was granted interim bail for a period of three months and after availing the interim bail period, he has surrendered before the learned trial Court at right time and he has not misutilized the liberty during the interim bail period. He further submitted that the witness to the extra judicial confession, namely, Biswanath Karuan @ Avi has been examined as P.W.2 and he has not supported the prosecution case and therefore, the prayer for bail may be favourably reconsidered.

Perused the evidence copies of the witnesses filed by the learned counsel for the petitioner.

Learned counsel for the State after going through the deposition copy of P.W.2 submitted that the said witness has been declared hostile by the prosecution.

Considering the submissions of the learned counsel for the respective parties, the evidence adduced by the prosecution to the extra judicial confession being examined as PW.2, the change in the circumstances after rejection of the earlier bail application and further taking into account the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the earlier interim bail order, 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

