

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7237 of 2021

Tubula Naik

.... ***Petitioner***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, ASC

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
06.07.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Sorada P.S. Case No.56 of 2019, corresponding to G.R. Case No.132 of 2021 in S.T. Case No.139 of 2019, pending in the file of learned Addl. Sessions Judge, Bhanjanagar, for commission of alleged offences under Sections 147/148/294/302/109/149 of IPC r/w. Section 25/27 of Arms Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 18.04.2019. It is further submitted that trial of the case has been substantially progressed and most of the eye witnesses have been examined. It is further submitted by learned counsel for the Petitioner that the present case

arising out of political rivalry between two groups and most of the eye witness have turned hostile and there is no material on record to implead the present Petitioner in the present crime. However upon perusal of the record it is seen that the impugned order of rejection, the case is committed on 7.10.2020.

5. In view of the changed circumstances, the BLAPL stands disposed with liberty to the Petitioner to move the court below and file fresh bail application within a period of four weeks, in that event, the same shall be considered on its own merit and in accordance with law particularly keeping in view the fact that most of the eye witnesses have turned hostile in the meantime.

6. The BLAPL stands disposed of with the aforesaid liberty.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge