

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8463 of 2022

Surya Kumar Rout @ Sukura ***Petitioner***

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
06.12.2022**

Order No.

05. 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 S.T. Case No.58 of 2021 arising out of Singla P.S. Case No.50 of 2020 pending in the Court of learned Sessions Judge, Balasore for offences punishable under section 302/201/294/506/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Balasore, which was rejected on 23.05.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 07.03.2020 and when he approached this Court earlier for bail in BLAPL No.4762 of 2020 and as per order dated 25.11.2020, the bail application was rejected relying on the statements of the eye witnesses, namely, Purna Chandra Rout and Niranjana Rout and liberty was granted to the petitioner to renew the prayer for bail after examination of the eye witnesses in the trial Court. Learned counsel further submitted that in the meantime, as many as thirteen witnesses have been examined including the aforesaid two eye witnesses and none of them have been supported the prosecution case and therefore, in view of the change in the circumstances, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State was served the copy of the depositions and after going through the same, he fairly submitted that there is nothing against the petitioner in the evidence of the witnesses already examined. Learned counsel for the State submitted that apart from those two eye witnesses, other witnesses like P.W.6 Laxmidhar Rout and P.W.13 Rabindra Rout have also not supported the prosecution case.

Considering the submissions made by the learned counsel for the respective parties, the nature of

evidence adduced so far in the trial Court, the change in the circumstances after the rejection of the earlier bail application, since none of the witnesses examined so far in the trial Court has stated anything against the petitioner and taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to condition that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge