

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.7721 OF 2021

Biswakalyan Puspalak

.... ***Petitioner***
Mr.B.K. Ragada, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Das, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER
12.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. This is the successive journey of the Petitioner in filing this application under section 439, Cr.P.C. in connection with Nayapalli P.S. Case No.26 of 2014 corresponding to C.T. Case No.134 of 2014 pending on the file of learned 3rd. Addl. Sessions Judge, Bhubaneswar for commission of offence punishable under section 450/302/201/379/34, I.P.C for his release on bail in the above mentioned case.
3. Learned Counsel for the Petitioner at the outset instead of pressing this bail application for hearing on merit, prays for its disposal considering the prayer for grant of interim bail to the Petitioner. He submits that although the Petitioner is in custody since 22.01.2014, the trial has not yet crossed the mid way. He further submits that the evidence so far recorded are

not enough to conclude that a prima facie case has been established against this Petitioner for commission of alleged offences. It is submitted that for such long detention of the Petitioner in custody and in view of the progress of the trial at a such snail's pace, the Petitioner as well as his family members are suffering a lot and the family members having been able to manage the situation till now, are no more able to continue with their day today living without help of this Petitioner for which presence of this Petitioner for at least 10 weeks at home at this hour stands as of necessity. It is submitted that the Petitioner being a permanent resident of the district of Puri, there remains no scope on his part to flee from justice and the question of tampering the evidence at this stage does not arise. In view of all these above; he urges for grant of interim bail to the Petitioner.

4. Learned Counsel for the State opposes the move, in view of the evidence already recorded in the trial implicating the Petitioner. He submits that role of this Petitioner in the incident is very important and he is the prime accused. He however, does not dispute the position that the Petitioner being in custody since 22.01.2014, the trial has not yet been concluded. It is explained that in view of the long prevailing Pandemic of COVID-19 situation, the delay has occasioned.

4. Considering the submissions made, it is directed that the Petitioner be released on interim bail till 11th March, 2022 on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will

appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will appear before the IIC, Nayapalli P.S. every Monday in between 10 am to 2 pm; will not terrorise or threaten the prosecution witnesses in any manner and indulge in any criminal activity; and will surrender before the said court on 12th March, 2022 positively.

5. The BLAPL is accordingly disposed of.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(D.Dash)
Judge