

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7730 of 2021

Rabindra Rout @ Rabi

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M. Mishra, ASC

CORAM:

JUSTICE G. SATAPATHY

ORDER

10.11.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with S.T. Case No.47/2 of 2015-17 arising out of Komna P.S. Case No.216 of 2013 pending in the file of learned Additional District & Sessions Judge, Nuapada for commission of offences punishable under Sections 396/397 of IPC read with Section 25 and 27 of Arms Act and Section 4 of E.S. Act, on the allegation of committing dacoity and murder by firing the deceased and assaulting others in the liquor distillery (Mada Bhati).
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that despite the petitioner having detained in custody for near about eight years, the trial is yet to be concluded and co-accused persons standing on similar footing have already been granted bail. It is further submitted that the FIR was registered against unknown persons but no T.I. parade has been conducted in this case to identify the petitioner and the sole incriminating material

available against the petitioner is the confession of co-accused which is inadmissible in the eye of law. On these grounds, learned counsel for the petitioner prays to grant of bail to the petitioner.

4. On contrary, learned counsel for the State, however, vehemently opposes the bail application of the petitioner and, he, by reading out the statement of one Saura Sabar submits that the petitioner being the principal accused should not be granted bail. It is further submitted that mere long detention of the petitioner in custody is not a ground to release him on bail, especially when the allegation levelled against him is not only serious but also grave. It is accordingly prayed by learned counsel for the State to reject the bail application of the petitioner.

5. Considering the rival submissions, the period of judicial custody of the petitioner since 18.12.2014 and regard being had to the release of co-accused Kashinath Sharma on bail and the fact that the report of the learned trial Court indicates that the trial is not progressing on account of informant not attending the Court whose whereabouts is yet to be ascertained by the investigating agency and the fact that fourteen out of twenty six witnesses have been examined till today in connection with this case, which suggests that the trial is unlikely to be concluded in near future, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without

fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case. Further, the petitioner shall attend the jurisdictional police station once in a fortnight preferably on second Saturday for three months.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

