

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO. 8182 of 2021

Sundhi Suraj

....

Petitioner

Mr.B.P.Das, Advocate

-versus-

State of Odisha

....Opposite Party

Mr.M.K.Mohanty, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
07.1.2022

03. 1. This matter is taken up by hybrid mode.
2. Heard, learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in C.T Case No. 425 of 2019 corresponding to C.T. Case no. 32 of 2020 pending in the court of learned District & Sessions Judge, Rayagada for commission of offence under Sections 364-A/377/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act has filed this application under Section 439 of the Cr.P.C. for his release on bail.
4. The factual matrix of the case is that the informant lodged an FIR alleging therein that his son boarded the LTT Express and arrived at Bisakhapatnam. He was to board the train-Dhanbad Express from Visakhapatnam. On the way at Terrapalli, his son was kidnapped by some people and the same persons having impersonated themselves as police personnel, demanded ransom of Rs.10 Lakh under the threat to do away with his life and threatened the informant over phone.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case since the principal accused happens to be his friend. It is further submitted that the co-accused has already been released on bail. The petitioner has been languishing in custody since 27.11.2019.

6. The Petitioner has already spent in custody for about more than one year. The Hon'ble Apex Court, time and again, has expressed displeasure on the delay of trial of the under trial prisoners and their sufferings due to such delay. The Hon'ble Apex Court in ***Hussainara Khatoon (I) v. State of Bihar***¹ has observed that “*speedy trial is not specifically enumerated as a fundamental right in India; it is implicit in a broad sweep and content of Article 21 of the Indian Constitution*”. Certain provisions of the Cr.P.C. also impose a statutory obligation upon the courts to proceed the trial “expeditiously” so that the case could be disposed of without inordinate delay. The speedy trial of offences is a desirable goal because long delay can defeat justice. There is a common proverb - ‘*delay defeats justice*’. Hence, it is said that speedy justice is the essence of an organised society and so, cases should be decided as early as possible. The present case fails to confirm to the aforesaid stand as articulated by the Hon'ble Supreme Court.

7. Learned counsel for the State though vehemently opposed the prayer for bail.

8. Considering the submissions made, facts and circumstances of the case as well as period of detention of the petitioner in custody, it is directed that the petitioner be released on bail in the aforesaid

¹ (1980) 1 SCC 81

case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge himself in any criminal offence while on bail and
- iii he shall not tamper the evidence of the prosecution evidence in any manner.

9. Violation of any of the conditions shall entail cancellation of the bail.

10. The BLAPL is accordingly disposed of

11. Issue urgent certified copy as per Rules.

(S.K.Panigrahi)
Judge