

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9240 of 2022

Bapi @ Debasis Bhoi

....

Petitioner

Mr.S.Mohanty(1),
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Jena, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

22.12.2022

Order No.

03.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Bhanjanagar P.S. Case No.30 of 2013 corresponding to G.R. Case No.66 of 2013 pending in the Court of the learned Additional Sessions Judge, Bhanjanagar for offence punishable under section 302/353/224/ 225/ 506/120-B/34 of IPC and Section 25/27 of Arms Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that, this Petitioner being arrested in the case is in custody since 13.03.2013 and even by now, few more prosecution witnesses have not been examined. He submits that almost all the important witnesses from the side of the prosecution having already been examined; there remains no scope on the part of the Petitioner to tamper the evidence. He submits that when for such a long period, for no fault on the part of the Petitioner, the trial has not concluded; further detention of the Petitioner in custody would not be at all in the interest of justice. He, therefore, urges for reconsideration of the prayer for grant of bail on such terms and conditions as deemed just and proper.

4. Learned counsel for the State opposes the move. According to him, the allegations against this Petitioner are serious and he is involved in commission of offence under section 302/353/224/225/506/120-B/34 of IPC and Section 25/27 of Arms Act. He, however, is not in a position to counter that the Petitioner being in custody since of the year 2013, the trial is continuing. He expresses the apprehension that in case of release of the Petitioner on bail, there remains all the likelihood that he would flee from justice and indulge in commission of similar activity.

5. Considering the submissions made and on going through the materials as placed; further keeping in view the surrounding circumstances; more importantly, the long detention of the Petitioner inside the custody, stretching over a period of more than nine and half years; I am inclined to reconsider the prayer for grant of bail to the Petitioner. Accordingly, it is directed that the Petitioner be released on bail by the Court in seisin of the case on such terms and conditions as deemed just and proper with further condition that the Petitioner will appear in person before the Court in seisin of the case on each date of posting of this case till conclusion of the trial; will report before the IIC, Bhadrak Rural P.S. on every Monday and Thursday in between 10 a.m. to 2 p.m.; will not indulge in any criminal activity whatsoever; and will not leave the jurisdiction of State of Odisha till conclusion of the trial.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy of this on proper application.

(D. Dash)
Judge