

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9260 of 2022

Kalia @ Susanta Pradhan

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Rout, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.12.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Banki P.S. No.39 of 2020, corresponding to S.T. Case No.101 of 2020, pending in the Court of 3rd Additional Sessions Judge, Cuttack for commission of offences punishable under Sections 147/148/302/307/120-B of the I.P.C.
4. Learned counsel for the Petitioner submits that one of the co-accused, namely, Kumar Pradhan had approached this Court by filing BLAPL No.1092 of 2022 for his release on bail and a coordinate Bench of this Court while considering the bail application of the co-accused was although not inclined to release the Petitioner on regular bail, but released on interim bail for a period of three months. He further submits that in the earlier round of litigations, there was a direction to the trial court to conclude the trial within the

stipulated of time. Despite such direction, the trial could not have been completed within the time stipulated. As such, the Petitioner may be released on bail.

5. Learned counsel for the State-Opposite Party opposes the prayer for bail of the Petitioner.

6. Considering the submissions made by the learned counsel for the respective parties and in view of the materials available on record and also the background facts of the case, so also considering the fact that trial of this case is progressing despite specific direction of this Court in earlier two bail applications and taking into consideration the custodial detention of the Petitioner, this Court is not inclined to release the Petitioner on bail, but allow him to go on interim bail for a period of three months from the date of his release.

7. Hence, it is directed that the Petitioner be released on interim bail for a period of three months from the date of his release in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter subject to conditions that :-

- (i). while on interim bail, he shall not threaten, harass, terrorize or induce any of the prosecution witnesses in any manner whatsoever;
- (ii) he shall not make any attempt to tamper/destroy any of the prosecution evidence;
- (iii) he shall not leave the jurisdiction of the trial court without permission of the trial court; and
- (iv) he shall appear before the trial court on each date

of posting of the case;

- (v) he shall appear before the concerned Police Station once in a week in between 10.00 A.M. to 1.00 P.M. till he surrenders before the court below after expiry of the interim bail.

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

8. It is also made clear that in the event any allegation is received that the Petitioner is attempt to any of the prosecution evidence, it is open for the court below to treat this order as revoked and proceed against the Petitioner in accordance with law. Further, the bail application of the Petitioner is disposed of with a direction that the Petitioner shall surrender before the court below on expiry of the interim bail period, failing which the court below shall take steps to take the petitioner to custody.

9. The BLAPL is, accordingly, disposed of.

10. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge