

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8317 of 2021

Jada @ Hatada Nayak* *Petitioner

Mr.P.K. Jena, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.A.K. Beura,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
20.05.2022**

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Soro P.S. Case No. 458 of 2012 corresponding to S.T. Case No. 5/11 of 2018 pending in the Court of learned Adhoc Addl. Sessions Judge(FTSC), Balasore for offences punishable under sections 341 and 376(2)(f) of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Adhoc Addl. Sessions Judge (FTSC), Balasore, which was rejected on 18.05.2021.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 19.07.2017 and his earlier bail application in BLAPL No.240 of 2018 was rejected as per order dated 15.03.2019 and the learned trial Court was directed to expedite the trial and to take steps for examination of the victim at the first instance. Learned counsel further submitted that in the learned trial Court, out of twenty five charge sheet witnesses, twelve witnesses have been examined including the victim and at this stage, there is no chance of tampering with the evidence and therefore, the petitioner's bail application may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail and submitted that the victim has supported the prosecution case. He further submitted that the case was of the year 2012 and the petitioner remained as an absconder for about five years and therefore, if bail is granted, he may further abscond and thereby, there would be further delay in disposal of the trial.

Considering the submissions made by the learned counsel for the respective parties, the evidence available on record, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry

of the three months period.

For the above period, let the petitioner be released on interim bail 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 learned Court in seisin over the matter with further terms and conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities, he shall appear before the learned trial Court on each date on which the date would be fixed for trial and he shall appear before the Inspector in-charge of Soro police station on every Monday in between 10.00 a.m. to 4.00 p.m. except on that Monday on which the trial date is fixed.

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge