

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.8338 OF 2021

Surendranath Behera @ Raju ***Petitioner***
Mr. Manas Chand, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Samaresh Jena, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
30.11.2022

Order No.

02. 1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the second journey of the Petitioner, who is in custody in connection with Harichandanpur P.S. Case No.52 of 2019 corresponding to S.T. Case No.08 of 2017, pending on the file of learned Addl. Sessions Judge, Keonjhar running for the alleged commission of offence under section- 302/376(1)/201 of the IPC, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 19.05.2019 and there has been no substantial progress in the trial. He further submits that the opinion of the Doctor who had conducted the postmortem examination over the dead body of the deceased is clear that the death was suicidal, but because of the opinion that the sexual assault upon the deceased is not ruled out, the Petitioner has been implicated in the case when it is the case that this Petitioner and the deceased who was then 28 years old were having the relationship. He submitted that for such long

detention of the Petitioner in custody, his family members are suffering and they having somehow managed the situation till now, it is no more possible for them to continue further without the help and aid of this Petitioner. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence; he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the materials collected during the investigation.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner as also the surrounding circumstances including the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case without fail;
2. will not leave the jurisdiction of the Court in seisin of the case without prior permission of the Court; and
3. will furnish an affidavits to that effect in further indicating his present and permanent address as also contact cell phone number(s) and in case of any change would intimate the same in the that manner.

Violation of any of the above condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

***(D. Dash),
Judge.***

Narayan

