

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8384 of 2021

Tapan Kumar Jena* *Petitioner

Mr. U.C. Jena, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
23.09.2022**

Order No.

09. 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 for bail under section 439 of Cr.P.C. in connection with S.T. Case No.39 of 2021 arising out of Bhadrak Rural P.S. Case No.394 of 2020 pending in the Court of learned Sessions Judge, Bhadrak for offences punishable under sections 498-A/304(B)/302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 03.07.2020 and his earlier bail application in BLAPL No.2084 of 2021 was rejected as per order dated

13.04.2021 and the petitioner was granted liberty to renew his prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel for the petitioner submitted that in the meantime, eight witnesses have been examined in the learned trial Court including the material witnesses i.e., P.W.4 who is the informant in the case and brother of the deceased and (P.W.5), the mother of the deceased and they have not supported the prosecution case. He submitted that in view of change in the circumstances, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State after going through the evidence copy of the witnesses fairly submitted that the material witnesses have been declared hostile.

Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application and the fact that the material witnesses have not supported the prosecution case and taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing a 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 conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

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

The BLAPL is accordingly disposed of.

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

