

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8746 of 2021

Maheswar Naik **Petitioner**

Mr. K.P. Dash, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. J.P. Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

02. 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 Tarasingi P.S. Case No.74 of 2004 corresponding to S.T. Case No.16 of 2018 pending in the Court of learned Additional Sessions Judge, Bhanjanagar for alleged commission of offences under sections 147/148/294/323/337/302/506/149 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions

Judge, Bhanjanagar, which was rejected on 04.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.09.2017 and he was granted interim bail twice in BLAPL No.6654 of 2019 and BLAPL No.4043 of 2020 and after availing the interim bail period, he has surrendered at right time.

The status report dated 06.04.2022 submitted by the learned Additional Sessions Judge, Bhanjanagar indicates that the charge has been framed on 10.02.2021 but not a single witness has been examined.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the progress of trial so far, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. 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 as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period.

Violation of any of the 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

RKM