

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9794 of 2022

Sarbeswar Mantry* *Petitioner

Mr. R.R. Chhotaray, Advocate

-versus-

State of Odisha* *Opp .Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
15.12.2022**

Order No.

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 under section 439 of Cr.P.C. in connection with S.T. Case No.242 of 2018 arising out of Banki P.S. Case No.288 of 2013 pending in the Court of learned 1st Additional Sessions Judge, Cuttack for offences punishable under sections 148/294/323/325/326/307/302/149 of the Indian Penal Code.

The prayer for bail of the petitioner was rejected by the learned 1st Additional Sessions Judge, Cuttack vide

order dated 27.07.2022.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on 23.12.2017 and he was granted interim bail twice by this Court in BLAPL No.5687 of 2020 and BLAPL No.6189 of 2021 and after availing the interim bail period, he surrendered at right time. It is further submitted that five witnesses have been examined so far in the trial Court and none of them have named the petitioner regarding his involvement in the alleged crime. The allegations are all omnibus in nature and the petitioner has got no criminal antecedent and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State while going through the evidence of the five witnesses already examined though does not dispute that none of the witnesses have specifically named the petitioner but submitted that there are other eye witnesses to be examined in the case.

Considering the submissions of the learned counsel for the respective parties, the nature of evidence adduced so far in the trial Court, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier orders of interim bail granted by this Court and absence of any criminal antecedent, I am inclined to release the petitioner on bail.

Let the petitioner be released on 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 such other conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall not try to tamper with the evidence and 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 in any manner.

Violation of any conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

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



(S.K. Sahoo)
Judge

RKM