

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9819 of 2022

Sana Luha @ Kusha Luha* *Petitioner

Mr. N. Panda, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
02.11.2022**

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 Kantamal P.S. Case No.40 of 2013 corresponding to S.T. No.80 of 2017 pending in the Court of learned Additional Sessions Judge, Kantamal for offences punishable under sections 302/379 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Kantamal which was rejected on 19.07.2022.

Learned counsel for the petitioner submitted

that the petitioner is in judicial custody since 01.09.2017 and though the earlier bail application in BLAPL No.9239 of 2017 was rejected as per order dated 20.03.2018 relying on the oral dying declaration of some witnesses but the petitioner was given liberty to renew the prayer for bail after examination of such witnesses. Learned counsel further submitted that the petitioner again approached this Court in BLAPL No.8935 of 2019 but the same was rejected as per order dated 05.03.2021, however the learned trial Court was directed to expedite the trial and conclude the same within a period of six months from the date of receipt of the order. Learned counsel files the copy of the order, which is taken on record. Learned counsel further submitted that in view of the delay in disposal of the trial, the petitioner may be granted interim bail for some period.

Learned counsel for the State, on the other hand, submitted that the case is of the year 2013 and the petitioner was an absconder for about four years and if he is granted interim bail, then he is likely to abscond and there would be further delay in completion of the trial.

Perused the status report dated 26.10.2022 submitted by the learned trial Court from which it appears that out of seventeen charge sheet

witnesses, only seven witnesses have been examined.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the slow progress of the trial so far and since the earlier order dated 05.03.2021 passed by this Court in BLAPL No.8935 of 2019 has not been complied with and the petitioner is a local man, 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 as the learned Court may deem just and proper subject to 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 and he shall appear before the learned trial Court on each date on which the date would be fixed for trial. The Inspector in-charge of Kantamal police station shall keep a close vigil over the activities of

the petitioner during the interim bail period.

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

Accordingly, the BLAPL is disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Kantamal police station to do the needful.

Issue urgent certified copy as per Rules.



RKM