

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.8905 OF 2021

Mitu @ Sk. Mustak

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

01.12.2022

I.A. NO.1553 OF 2022

Order No.

07. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.

2. This is the successive journey of the Petitioner in filing this Application under section-439 of the Cr.P.C. who is in custody in connection with Binjharpur GR P.S. Case No.42 of 2018 corresponding to C.T. Case No.176 of 2018 pending on the file of the learned Addl. Sessions Judge, Jajpur running for the alleged commission of offence under section-396/397/120-B of the IPC read with Section-25/27 of the Arms Act in filing this application for reconsideration of the prayer for grant of bail in the above mentioned case.

3. Learned Counsel for the Petitioner submits that the Petitioner being arrested in connection with the above noted case is in custody since 15.02.2018 and despite such long period of detention, there has been no such substantial progress in the trial and its conclusion is not expected to be so soon. He submits that the wife of the Petitioner is still suffering from various ailments. He submits that although the Petitioner being earlier granted with interim bail, had done necessary arrangement for the treatment of his wife, yet her condition has not fully improved as on completion of the period of interim bail, the Petitioner had to surrender for which there was a break in the treatment. He, therefore, submits that presence of this Petitioner for some more time at his home

during this hour is necessary. He, therefore, urges for disposal of this Application in considering the matter of grant of interim bail to the Petitioner for a period of eight weeks.

4. Learned Counsel for the State while not disputing the the period of detention of the Petitioner in custody, however, opposes the move in view of the nature and gravity of the offences for commission of which the petitioner is facing the trial.

5. Considering the submissions made and on going the averments made in the applications as well as the documents annexed to the interim application, further taking into account the long period of detention of the Petitioner in custody and non-completion of trial when on the earlier occasion, the Petitioner having been granted interim bail, no report adverse to his conduct during that period is coming; while being inclined to grant regular bail to the Petitioner, this Court disposed of this application by granting interim bail to the Petitioner for a period of eight (8) weeks.

Accordingly, it is directed that the Petitioner be released on interim bail for a period of eight weeks w.e.f. the date of his actual released from the custody on such terms and conditions as deemed just and proper, with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will not leave the jurisdiction of the Court in seisin of the case without prior permission; and will surrender before the Court in sesin of the case after expiry of the interim period positively.

6. The BLAPL as well as the I.A. are accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge.