

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9128 of 2021

Ganesh Pradhan* *Petitioner

Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha* *Opp.Party

Mr. Rajesh Tripathy
Addl. Standing Counsel

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

**ORDER
28.09.2022**

Order No.

13. 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 Gangapur P.S. Case No.198 of 2016 corresponding to S.T. Case No.07 of 2017 pending in the Court of learned Additional Sessions Judge, Aska for offence punishable under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Aska which was rejected on 25.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.10.2016 and his earlier bail application in BLAPL No.969 of 2018 was rejected as per order dated 10.04.2018 and liberty was granted to the petitioner to renew the prayer for bail after examination of the eye witnesses to the occurrence. He further submitted that in the meantime, out of sixteen charge sheet witnesses, nine witnesses have been examined and P.W.6, the informant and P.W.7, who are the two eye witnesses to the occurrence and they have supported the prosecution case but there are some discrepancies regarding possibility of the injuries sustained by the deceased with the weapon of offence alleged to have been used by the petitioner and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State submitted that there is one more eye witness, who is yet to be examined.

Perused the statements of the witnesses examined so far in the trial Court.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution so far, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, 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 and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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