

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9145 of 2021

Satyaveer

....

Petitioner

Mr.A.R. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

29.04.2022

04.

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 Jeypore Town P.S. Case No. 167 of 2020 corresponding to T.R. Case No. 26 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Koraput at Jeypore for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Koraput at Jeypore, which was rejected on 28.09.2021.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on 12.06.2020 and his first bail application in BLAPL No.4521 of 2020 was disposed of as withdrawn as per order dated 09.02.2021 and

till now out of seventeen charge sheet witnesses, four witnesses have been examined by the prosecution so far and it is further submitted that some of the co-accused persons, namely, Rizwan @ Rizwan Khan and Pawan Kumar have already been granted bail by this Court in BLAPL No.5105 of 2020 and BLAPL No.9142 of 2021 as per orders dated 20.09.2021 and 29.11.2021 respectively. Copies of the bail orders are filed and taken on record. Learned counsel further submitted that in view of the inordinate delay in disposal of the trial, the petitioner may be granted interim bail for some time.

Learned counsel for the State raised objection earlier that the petitioner is a man from Uttar Pradesh and once he is enlarged on bail, it would be difficult to ensure his attendance during trial in case he absconds and that is why this Court passed order on 11.03.2022 directing the learned counsel for the State to obtain instruction as to whether the address furnished by the petitioner in the cause title of the bail application is correct or not and the learned counsel for the petitioner was also asked to furnish the names of two local sureties who are to take the petitioner on interim bail and the learned counsel for the State was also asked to verify about the genuineness of the sureties through the Inspector in-charge of Jeypore Town police station.

Pursuant to such order, learned counsel for the petitioner has furnished the names of the two sureties along with their Aadhar card and R.O.Rs. and the matter was directed to be listed on 22.04.2022. When the matter was listed on 22.04.2022, learned counsel for the State sought for time to obtain instruction as per the order dated 11.03.2022 and it was specifically mentioned in the said order that no

further adjournment shall be granted to the learned counsel for the State.

Today, when the matter was called, learned counsel for the State submitted that he has not received any instruction from the Inspector in-charge of Jeypore Town police station.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the slow progress of trial, at this stage, 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 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 cash security of Rs.2,00,000/- (rupees two lakhs) along with bail bond of Rs.2,00,000/-(rupees two lakhs) with two local solvent sureties, namely, Kirsan Kandha and Krushna Khara for the like amount to the satisfaction of the learned Court in seisin over the matter with the following terms and conditions:

- (i) 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;
- (ii) he shall not indulge in any criminal activities;
- (iii) he shall appear before the learned trial Court on each date on which the date would be fixed for trial;
- (iv) he shall not leave the jurisdiction except with the prior permission of the learned trial Court;

- (v) he shall furnish his place of abode with detailed address along with mobile no. to the concerned Court, in case he is permitted to leave the local jurisdiction and it would be verified from time to time by the Superintendent of Police, Koraput.

Violation of any 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



PKSahoo