

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9239 of 2021

Bansidhar Pattanaik* *Petitioner

Mr.G.K. Nayak, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.J.P. Patra,
Addl. Standing Counsel*

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

**ORDER
11.03.2022**

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. for grant of bail to the petitioner in connection with Jagannathprasad P.S. Case No. 294 of 2020 corresponding to G.R. Case No.1247 of 2020 pending before the learned S.D.J.M., Bhanjanagar for alleged commission of offences under sections 419/420/ 468/ 471 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Balliguda, which was rejected on 28.09.2021.

Learned counsel for the petitioner submitted

that the petitioner is in judicial custody since 15.12.2020 and his earlier bail application in BLAPL No.1223 of 2021 was rejected as per order dated 13.07.2021 and direction was issued to the learned trial Court to expedite the trial and conclude the same by the end of December 2021 and liberty was granted to the petitioner to renew the prayer for bail if the trial is not concluded within the aforesaid period. Learned counsel further submitted that only two witnesses have been examined in the learned trial Court out of six charge sheet witnesses.

On such submission, status report was called for from the learned trial Court. Learned trial Court submitted the status report, which is dated 21.01.2022, which indicates that out of six charge sheet witnesses, only two witnesses have been examined so far.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the fact that the order passed by this Court in BLAPL No. 1223 of 2021 has not been complied with and the offences are triable by Magistrate, 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 and with further 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 during the period of interim bail.

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.

PKSahoo

(S.K. Sahoo)
Judge