

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10375 of 2022

Fakir Pradhan @ Rahul* *Petitioner

Mr.B.K. Sahoo, Advocate

-versus-

State of Odisha* *Opp. Party

Mrs.Susamarani Sahoo

Addl. Standing Counsel

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

**ORDER
23.12.2022**

Order No.

01. 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 for bail under section 439 of Cr.P.C. in connection with Tarasingi P.S. Case No. 120 of 2018 corresponding to S.T. Case No. 24 of 2022 pending in the file of learned Addl. Sessions Judge, Bhanjanagar, Ganjam for alleged commission of offence under section 394 of the Indian Penal Code and sections 25(1-B)(a) and 27 of the Arms Act.

The prayer for bail of the petitioner was rejected by the learned Addl. Sessions Judge, Bhanjanagar, Ganjam vide order dated 02.07.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 31.01.2021 and his earlier bail application in BLAPL No. 2063 of 2021 was rejected as per order dated 01.12.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the identifying witness in the learned trial Court. He further submitted that the identifying witness has already been examined and he produced the certified copy of the witness, which is taken on record. It is further submitted that the co-accused, namely, Kulu Naik @ Rahul Naik, who stands on the similar footing, has already been released on bail in BLAPL No. 2886 of 2021 as per order dated 07.05.2021 and therefore, the bail application may be favourably reconsidered.

Learned counsel for the State was supplied with the copy of the deposition of the identifying witness and she opposed the prayer for bail.

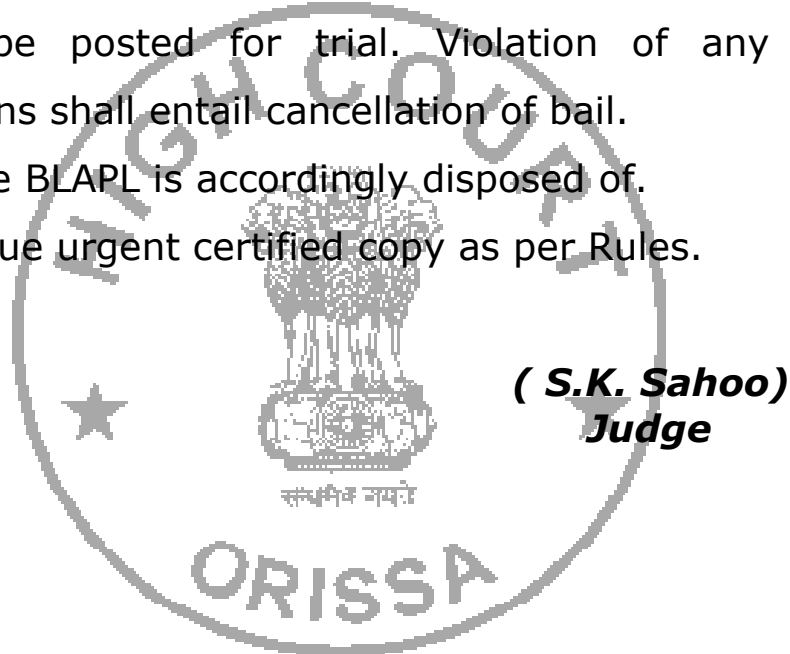
Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner, release of the co-accused persons on bail and taking into account the period of detention of the petitioner in judicial custody, , I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing a 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 conditions as the learned Court below may deem just and proper including the conditions that the petitioner shall appear before the Inspector in-charge of Tarsingi police station once in a week on a Sunday in between 10.00 a.m. to 4.00 p.m. till submission of charge sheet, shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



PKSahoo