

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10551 of 2022

Rama Khila

.... Petitioner

Mr. D. Sethi, Advocate

-versus-

State of Odisha

.... Opp .Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
15.12.2022**

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 under section 439 of Cr.P.C. in connection with C.T. Case No.01 of 2021 arising out of Kundura P.S. Case No.41 of 2020 pending in the Court of learned Additional Sessions Judge, Jeypore for offences punishable under section 302/120-B/34 of the Indian Penal Code and section 18 of the Unlawful Activities (Prevention) Act.

The prayer for bail of the petitioner was rejected by

the learned Additional Sessions Judge, Jeypore vide order dated 27.09.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.06.2020 and when he approached this Court last time for bail in BLAPL No.4301 of 2021, the same was rejected as per the order dated 18.11.2021. It is further submitted that in the meantime, trial has commenced and four witnesses have been examined including the informant and they have not supported the prosecution case and therefore, in view of the change in circumstances, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail and pointed out from the rejection order that there are two criminal antecedents against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced so far by the prosecution in the trial Court 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 bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court

in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to condition that 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, he shall appear before the learned trial Court on each date when the case would be posted for trial and he shall appear before the Inspector in-Charge of Kundura police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.



(S.K. Sahoo)
Judge

RKM