

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.9591 OF 2021

Ashis Kumar Biswal @ Muna *Petitioner*
Mr. Basudev Mishra, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. S.K. Nayak, AGA.

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
10.05.2022
I.A. NO.1387 OF 2021**

Order No.

01.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner in filing this application under section 439, Cr.P.C. in connection with Banpur P.S. Case No.311 of 2014 corresponding to S.T. Case No.59 of 2015 arising out of G.R. case No.469 of 2014 pending on the file of learned 1st Addl. Sessions Judge, Khurda for commission of offence punishable under section-147/148/294/323/307/302 /506/149 of the IPC read with section-9(B) of the Indian Explosive Act and section-4/5 of the E.S. Act for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. At the outset learned Counsel for the Petitioner placing the fact that the Petitioner being arrested in the case is in custody since 28.10.2014; instead of pressing this bail application for hearing and disposal on merit, prays for its disposal considering the matter of grant of interim bail to the Petitioner for some period so that he would be in position to provide required help to his family

members to run the show by remaining at home for few weeks. He further submits that on an earlier occasion, this Court finding the Petitioner to be languishing in custody as an under trial prisoner for such long period and taking into account the ailments of his wife requiring treatment had granted interim bail to the Petitioner and in obedience to the order, he has surrendered before the Court and is in custody. Inviting the attention to the documents placed with the record, he submits that the wife of the Petitioner has not yet fully recovered and her treatment is suffering in the absence of the Petitioner. It is submitted that during the period, the Petitioner was on interim bail, no such untoward incident has happened and the Petitioner had not misused the liberty. In view of all these above; he urges for grant of interim bail to the Petitioner for a period of 10 weeks.

4. Learned Counsel for the State opposes the move in view of the nature and gravity of the offences for commission of which the Petitioner is facing the trial. In this connection, he has placed the materials showing the manner in which the incident is said to have taken place. He however does not dispute the position that after the expiry of the period of interim bail, the Petitioner has surrendered and is in custody. He states to have not received any report regarding any such adverse conduct of the Petitioner while on interim bail.

5. Considering the submissions made, it is directed that the Petitioner be released on interim bail till 10th July, 2022 on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will appear before the IIC,

Banpur P.S. every Monday in between 10 am to 2 pm; will not leave the jurisdiction of the Court in seisin of the case without prior permission; and will surrender before the said court on 11th July, 2022 positively.

While parting with the matter, keeping in view the tardy progress of the trial, it is hereby observed that the trial Court would do all such effective steps as provided in law for early conclusion of the trial.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

