

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9843 of 2021

Basant Dehury

....

Petitioner

Mr.A. Tripathy, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr D.K. Pani,

Addl. Standing Counsel

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

**ORDER
06.05.2022**

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. in connection with Purunakote P.S. Case No. 55 of 2020 corresponding to C.T. (S) Case No. 09 of 2021 pending in the Court of learned Sessions Judge, Angul for offence punishable under sections 272, 273, 304, 324, 326, 109, 34 of the Indian Penal Code read with section 52(a), 55(a), 55(b), 59(b), 59(c) and 62 of the Orissa Excise Act.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Angul which was rejected on 08.09.2021.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 30.10.2020 and his earlier bail application in BLAPL No.264 of 2021 was disposed of as per order dated 11.08.2021 and direction was given to the learned trial Court to expedite the trial after commitment of the case to the Court of Session and at the first instance steps shall be taken to examine the material witnesses and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the trial Court.

Status report was called for as per order dated 22.04.2022 and the learned trial Court has furnished the same vide letter dated 30.04.2022 from which it appears that till date no charge has been framed.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial, 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 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.

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

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