

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10977 OF 2022

Rabi Narayan Sahoo

....

Petitioner

Mr. S. Satapathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

02.12.2022

I.A. NO.2125 OF 2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the second journey of the Petitioner in filing this Application under section-439 of the Cr.P.C. who is in custody in connection with Jatni P.S. Case No.400 of 2018 corresponding to C.T. Case No.09/86 of 2019 pending on the file of the learned 2nd Addl. Sessions Judge, Bhubaneswar running for the alleged commission of offence under section-394/302/34 of the IPC in filing this application for reconsideration of the prayer for grant of bail in the above mentioned case. The Petitioner has also filed another application for grant of interim bail on account of death of his mother.
3. Learned Counsel for the Petitioner submits that the mother of the Petitioner having died on 20.11.2022, the Petitioner is required to remain present at home for taking part in the funeral ceremony. He further submits that in so far as the other accused Santosh Nayak is concerned, this Court by order dated 29.09.2022 in BLAPL No.2936 of 2022 has released him on interim bail for a period of three months. It is submitted that the evidence on record being taken into account both the accused are similarly situated. In

view of the above, he prays for disposal of both the Applications by considering the matter of grant of interim bail to the Petitioner for a period of three months on such terms and conditions as deemed just and proper.

4. Learned Counsel for the State while opposing the prayers as advanced in the applications, however, is not in a position to dispute that co-accused, Santosh Nayak has been released on interim bail.

5. Considering the submissions made and on going the averments made in the applications as well as the documents annexed to the interim application; while being inclined to grant regular bail to the Petitioner, this Court disposed of these applications by granting interim bail to the Petitioner for a period of three (3) months.

Accordingly, it is directed that the Petitioner be released on interim bail for a period of three (3) months in the above mentioned case on furnishing bail 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 the Petitioner will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will not leave the jurisdiction of the Court in seisin of the case without prior permission; and will surrender before the Court in sesin of the case after expiry of the interim period positively.

6. The BLAPL as well as the I.A. are accordingly disposed of. Issue urgent certified copy as per rules.

(D. Dash)
Judge.