

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11426 of 2022

Prasanta Kumar Behera @ Petitioner
Kali

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha Opp. Party

Mr. S.K. Nayak
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
21.12.2022

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. for grant of bail to the petitioner in connection with Chatrapur P.S. Case No.131 of 2017 corresponding to S.T. Case No.26 of 2018 pending before the learned Additional Sessions Judge, Chatrapur for alleged commission of offences under sections 147/148/324/326/307/302/120-B/212/149 of the Indian Penal Code read with sections 25/27 of the Arms Act.

The petitioner moved an application for bail before the Court of Additional Sessions Judge, Chatrapur, Ganjam, which was rejected on 28.07.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 07.10.2017 and in the meantime, trial has commenced and as many as twenty five witnesses have been examined and eye witnesses have supported the prosecution case but so far as P.W.1 Debidatta Pradhan, who is the informant in the case is concerned, is an eye witness to the occurrence and has stated that the petitioner along with co-accused Banoj Nayak and Santosh Sethi and others assaulted the deceased Laxmidutta Pradhan. It is further submitted that the aforesaid two co-accused persons, namely, Banoj Nayak and Santosh Sethi have already been released on bail by this Court in BLAPL No.10239 of 2022 as per order dated 09.11.2022 and BLAPL No.7246 of 2022 as per order dated 24.11.2022 respectively. It is further submitted that in view of the delayed disposal of the trial and release of the co-accused persons on bail, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and placed the evidence of the eye witnesses and submitted that yesterday, one co-accused, namely, Kuna Nayak was granted interim bail for a period of three months by a coordinate Bench of

this Court in BLAPL No.4727 of 2020.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody for last five years and the progress of the trial so far and further taking into account the fact that similarly situated co-accused persons have been released on bail, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees twenty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with such other conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall not try to tamper with the evidence and shall appear before the learned trial Court on each date when the case would be posted for trial.

Violation of any conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

