

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10408 of 2021

Madan Mohan Sahoo* *Petitioner

Mr.D.K.Mohanty, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

22.04.2022

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. for grant of bail to the petitioner in connection with Harichandanpur P.S. Case No.107 of 2019 corresponding to G.R. Case No.1305 of 2019 pending in the Court of learned Sessions Judge, Keonjhar for alleged commission of offences under section 302 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Keonjhar, which was rejected on 08.11.2021.

Learned counsel for the petitioner submitted that the petitioner Madam Mohan Sahoo is in judicial custody since 04.10.2019 and he has been charge sheeted under section 302 of the Indian Penal Code. It is further submitted that the earlier bail application of the petitioner in BLAPL No.2099 of 2020 was rejected as per order dated 14.12.2020 and liberty was granted to the petitioner to renew his prayer for bail after examination of the eye witness Sunei Sahoo as well as the witnesses, who stated about the presence of the petitioner at the spot. Learned counsel further stated that the said Sunei Sahoo has been examined as P.W.2 in the trial Court and he has not supported the prosecution case and the other witnesses examined so far have also not stated anything clinching against the petitioner and therefore, in view of the change in the circumstances, petitioner's bail application may be favourably reconsidered. Learned counsel has annexed the deposition copies of the witnesses examined so far in the learned trial Court to the bail application.

Learned counsel for the State, on the other hand, opposed the prayer for bail and placed the evidence of the witnesses.

Considering the submissions of the learned counsel for the respective parties, nature of evidence adduced so far by the prosecution during trial of the

case, change in the circumstances after rejection of the earlier bail application and taking into account the period of detention of the petitioner in judicial custody, 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 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 such terms and conditions as the learned Court may deem just and proper.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(**S.K. Sahoo**)
Judge

PKSahoo