

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10527 of 2021

Ramdas Hantal @ Okil

....

Petitioner

Mr. Jajati Keshari Khuntia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

26.10.2022

Order No.

- 02.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. J.K. Khuntia, learned counsel for the Petitioner and Mr. K.K. Das, learned Additional Standing Counsel.
 3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Ramdas Hantal @ Okil in connection with Pottangi P.S. Case No.35 of 2019 corresponding to C.T. Case No.38 of 2019 (GR Case No.376 of 2019) pending in the court of learned Additional Sessions Judge, Koraput for alleged commission of offence under Section 302/34 of the Indian Penal Code.
 4. It is submitted on behalf of the Petitioner that he is inside custody since 1st May, 2019 and till date trial has not commenced. It is further submitted that the statement of two eye-witnesses regarding the assault is doubtful.
 5. The Petitioner approaches this court for bail for the second time. Earlier his bail application was dismissed as not-pressed.

Learned trial court was directed to submit a report regarding stage of trial and in report dated 22nd September 2022 of the trial court, it is stated that charge could not be framed yet awaiting receipt of chemical examination report.

6. Upon hearing Mr. Das, learned ASC and considering the statements of eye-witnesses, namely Ghasia Pujari and Mukta Hantal, who clearly implicate the Petitioner in commission of the alleged offence, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

7. However, considering the period of detention of the Petitioner inside custody and delay in commencement of trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioner shall furnish two sureties (with proper identity proof) out of whom one shall be his relative and that, he shall not be involved in any other offence while on bail and shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence.

8. It is made clear that the Petitioner shall surrender on or before 31st January, 2023, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

9. The trial court is directed to take decision on framing of the charge within a period of thirty days from the date of receipt of copy of this order and report compliance.

10. A copy of this order be communicated to the trial court without delay.
11. The BLAPL is accordingly disposed of.
12. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

