

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10540 of 2021

Siba Nag

....

Petitioner

Mr. S.K. Rout, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P. Patra,

Addl. Standing Counsel

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

**ORDER
06.05.2022**

Order No.

03.

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 C.T. Case No.95 of 2017 arising out of Koraput Town P.S. Case No.88 of 2017 pending in the Court of learned Addl. Sessions Judge, Koraput for offences punishable under sections 302/201 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Koraput, which was rejected on 26.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 11.06.2017 and the petitioner had earlier approached this Court in BLAPL No.5215

of 2020 and as per the order dated 09.04.2021, the petitioner was directed to be released on interim bail for a period of three months from the date of release, by that time only one witness had been examined. He further submitted that after availing the interim bail period, he has surrendered before the learned trial Court at right time and in view of delayed disposal of the trial, the petitioner may be granted interim bail.

As per order dated 22.04.2022, the learned trial Court has submitted the status report from which it appears that out of twenty three charge sheet witnesses, six witnesses have been examined.

Learned counsel for the State opposed the prayer for bail.

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 and shall appear before the Inspector in-charge of Koraput Town police station once in a week during the interim bail period.

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.



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