

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10850 of 2021

Dipak Kumar Mallick* *Petitioner

Mr.S.R. Rout, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.J.P. Patra,
Addl. Standing Counsel*

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

**ORDER
11.03.2022**

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. in connection with Govindpur P.S. Case No.114 of 2020 corresponding to S.T. Case No.85 of 2021 pending in the Court of learned 3rd Additional Sessions Judge, Cuttack for offence punishable under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned 3rd Additional Sessions Judge, Cuttack, which was rejected on 30.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since

23.11.2020 and his earlier bail application in BLAPL No.912 of 2021 was rejected as per order dated 23.08.2021 and by that time ten witnesses had already been examined and none of them have stated anything against the petitioner.

Learned counsel for the State opposed the prayer for bail on the ground that some more witnesses, who were witnesses to the occurrence, are yet to be examined and accordingly, while rejecting the earlier bail application, this Court directed the learned trial Court to take steps for examination of rest of the eye witnesses and the petitioner was given liberty to renew the prayer for bail after examination of such witnesses.

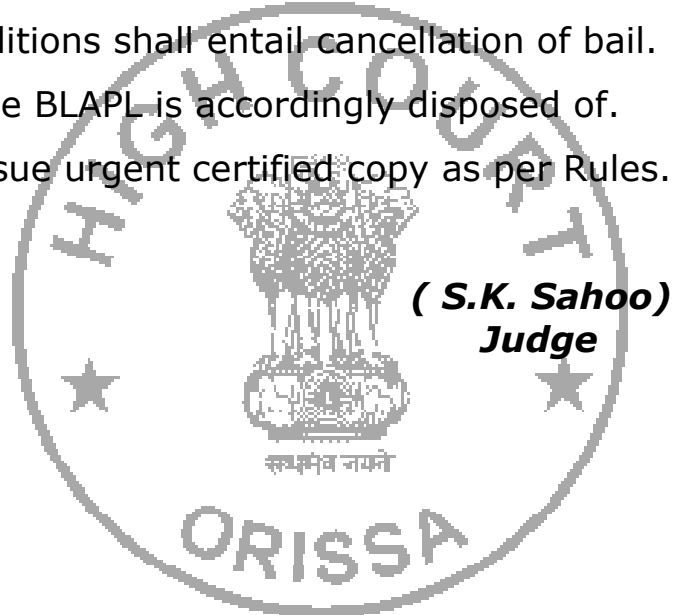
Learned counsel for the petitioner submits that till date thirteen witnesses including the two witnesses have been examined and none of them have stated anything against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced so far in the trial Court and since none of the thirteen witnesses examined so far in the learned trial Court have stated anything against the petitioner, taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released 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 further conditions as the learned Court may deem just and proper including the further conditions that he shall appear before the learned trial Court on each date to which the case would be posted for trial and shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



PKSahoo