

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10953 of 2021

Bijay Nag @ Nath @ Bije* *Petitioner

Mr.A.Pradhan, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

30.06.2022

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 G.R. Case No.1942 of 2018 arising out of Sambalpur Town P.S. Case No.229 of 2018 pending in the Court of learned Sessions Judge, Sambalpur for offences punishable under sections 147/148/302/149 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.06.2018 and when the petitioner approached this Court last time for bail in BLAPL No.6010 of 2020, he

was granted interim bail for a period of three months taking into account that the petitioner is in judicial custody and no charge has been framed. Learned counsel for the petitioner submitted that after availing the interim bail period, he has surrendered before the learned Court below at right time and till date no charge has been framed.

Status report was called for as per order dated 08.04.2022 and the learned trial Court has furnished the same vide letter dated 18.04.2022 from which it indicates that charge has not yet been framed.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the terms of the earlier interim bail order and the fact that till date, charge has not yet been framed, while not inclining to release the petitioner on bail on merit, I direct that the petitioner be released 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 three months period.

For the above period, 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 terms and conditions as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to tamper with the prosecution evidence and shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

Violation of any conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

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