

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11128 of 2021

Okila @ Anil Samal **Petitioner**

*Mr. Yasobanta Das,
Senior Advocate*

-versus-

State of Odisha **Opp. Party**

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
15.12.2022**

Order No.

14. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. Yasobanta Das, learned Senior Advocate appearing for the petitioner and Mrs. Susamarani Sahoo, learned Additional Standing Counsel appearing for the State of Odisha.

This is an application under section 439 of Cr.P.C. in connection with Choudwar P.S. Case No.405 of 2020 corresponding to S.T. Case No.257 of 2021 pending in the Court of learned Sessions Judge, Cuttack for offences punishable under sections 302/506/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Cuttack

which was rejected on 03.12.2021.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on 12.09.2020 and his first bail application in BLAPL No.1708 of 2021 was rejected as per the order dated 28.09.2021, however, liberty was granted to the petitioner to renew the prayer for bail after examination of the eye witnesses and other material witnesses in the trial Court. It is further submitted that out of thirty one charge sheet witnesses, nine witnesses have been examined and out of them, two have supported the prosecution case. Learned counsel further submitted that other co-accused persons have already been released on bail and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State made a submission that there is one criminal antecedent against the petitioner vide Choudwar P.S. Case No.404 of 2020 and the learned counsel for the State was asked to obtain instruction on such case.

Today, an additional affidavit has been filed by the wife of the petitioner wherein it is mentioned that in such case, the petitioner has been released on bail by the learned J.M.F.C., Cuttack. The additional affidavit is taken on record.

Learned counsel for the State placed the

evidence of P.W.1, who is an eye witness to the occurrence and submitted that the said witness has attributed overt act against all the accused persons, however, specifically stated that it is the petitioner, who assaulted the deceased by means of a 'tangia' on his head for which he sustained severe bleeding injury. Learned counsel for the State further submitted that there are as many as six injuries on the person of the deceased including on the vital part of the body like head.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced so far by the prosecution in the trial Court and the nature and gravity of the accusation, 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 and the progress of the trial so far, 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.

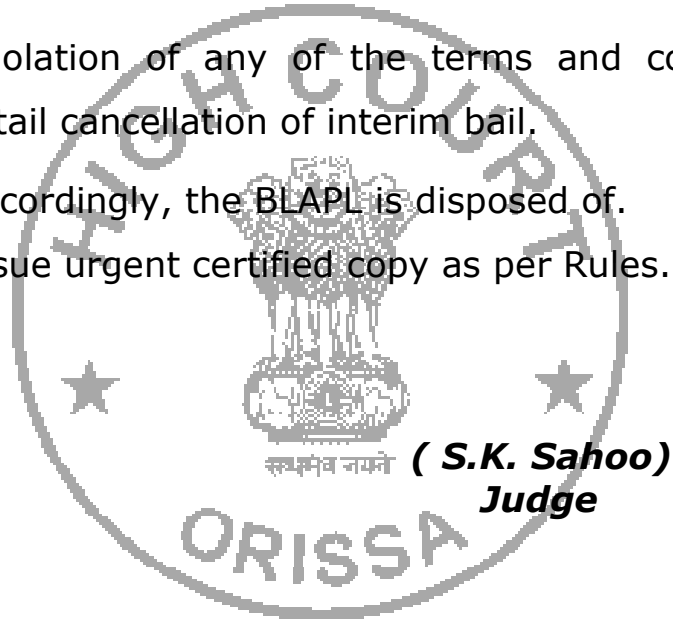
For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the

like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to 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 in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.



RKM