IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11371 of 2021

1. Kurtu Mallik @ Kutru Mallick
2. Sumanta Mallick …. ***Petitioners***

Mr.S.K. Dwibedi, Advocate

-versus-

State of Odisha …. ***Opp. Party***

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER

Order No. **08.04.2022**

01. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioners and the learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.41 of 2020 arising out of Bamunigaon P.S. Case No.07 of 2020 pending in the Court of learned Addl. Sessions Judge, Balliguda for alleged commission of offence punishable under sections 302, 201, 506, 120-B, 34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the petitioners are in judicial custody since

13.01.2020 and earlier bail application of the petitioner in BLAPL No. 7876 of 2020 was withdrawn by the learned counsel for the petitioners to renew after examination of the eye witnesses Basanti Mallik.

Learned counsel for the petitioners submitted that in view of the inordinate delay in trial, the petitioners may be granted interim bail for some time and they will move regular bail after the eye witnesses Basanti Mallick is examined.

The status report dated 23.02.2022 submitted by the learned Special Judge –cum- ADJ, Balliguda indicates that not a single witness has been examined out of 28 charge sheet witnesses.

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 petitioners in judicial custody and the fact that the examination of the witnesses have not started, while not inclining to release the petitioners on bail on merit, I direct that the petitioners be released on interim bail for a period of three months from the date of release and the petitioners shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioners be

released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) each 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 including the conditions that while on interim bail, the petitioner shall not try to tamper with evidence and shall appear before the learned trial Court on each date to which the case would be posted for trial and he shall not indulge in any criminal activities. Violation of any of the conditions shall entail cancellation of bail.

The trial Court shall take steps for examining the eye witness Basanti Mallick. The Inspector-in-charge of Bamunigaon police station shall appear before the learned trial Court on or before 18.04.2022, receive summon in respect of the aforesaid eye witness and ensure her attendance on the date fixed.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy of this order on proper application.

A free copy of this order be handed over to the learned counsel for the State for compliance.

(S.K. Sahoo)
Judge

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