

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11460 of 2021

Jambeswar Pradhan @ Petitioner
Jingali

Mr.R.N. Rout, Advocate

-versus-

State of Odisha Opp.Party

Mrs.Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
23.09.2022

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 Kanas P.S. Case No. 21 of 2020 corresponding to S.T. Case No.04/112 of 2020 pending in the Court of learned 2nd Addl. Sessions Judge, Puri for offences punishable under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned 2nd Addl. Sessions Judge, Puri,

which was rejected on 13.12.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.02.2020 and his earlier bail application in BLAPL No.3434 of 2020 was rejected as per order dated 08.12.2020 basing on the statement of the eye witness Rabi Mangaraj and liberty was granted to the petitioner to renew his prayer for bail after examination of the eye witness in the learned trial Court. He further submitted that in the meantime the eye witness has already been examined in the learned trial Court as P.W.10 and he has not supported the prosecution case. Copy of the deposition of the eye witness has been filed. Learned counsel further submitted in view of the change in the circumstances and the period of detention of the petitioner in judicial custody, his bail application may be favourably reconsidered.

Learned counsel for the State after going through the evidence of P.W.10 does not dispute the same.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution during trial, the change in the circumstances after rejection of the earlier bail application and the fact that the eye witness has not supported the prosecution case and keeping in view 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.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo