

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11542 of 2021

Budu Harijan

....

Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER
12.9.2022

Order No.

06.

1. The matter is taken up through hybrid mode.
2. Heard Mr. A. Mishra, learned counsel for the Petitioner and Mr. K.K. Das, learned Additional Standing Counsel.
3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Budu Harijan in connection with Jeypore Sadar P.S. Case No.15 of 2017 corresponding to C.T. Case No.58 of 2017 pending in the court of learned Sessions Judge-cum-Special Judge, Koraput at Jeypore for alleged commission of offence under Section 302 of the Indian Penal Code.
4. It is submitted on behalf of the Petitioner that he is inside custody since 12th April, 2017 and in the meantime 11 witnesses have already been examined in course of trial including the alleged eye-witness, P.W.3, the wife of the deceased. As per Mr. Mishra, the circumstances do not suggest that the wife as the eye witness and as such her statement is not free from doubt.

5. After hearing Mr. K.K. Das, learned ASC for the State and upon perusal of the copy of the depositions of those eleven witnesses including P.W.3 as well as considering the period of detention of the Petitioner inside custody, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence and shall attend the trial court on each date fixed.

6. The certified copies of depositions of P.W.1 to P.W.11 as filed by the Petitioner are kept on record.

7. The BLAPL is disposed of.

8. An urgent certified copy of this order be issued as per rules.

(**B.P. Routray**)
Judge