

06. 31.07.2018 Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under Section 439 Cr.P.C. in connection with C.T. Case No.45 of 2017 arising out of Phulbani Town P.S. Case No.123 of 2017 pending in the Court of learned Sessions Judge -cum- Special Judge, Phulbani for offences punishable under sections 341/323/457/379/354-A/354-B/506/34 of the Indian Penal Code read with section 25 of the Arms Act and section 8 of POCSO Act.

The petitioner moved an application for bail before the learned Sessions Judge -cum- Special Judge, Phulbani which was rejected on 27.11.2017.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 04.07.2017 and his earlier bail application in BLAPL No.7626 of 2017 was rejected as per order dated 27.10.2017 which was filed along with the co-accused persons Binod Kanhar and Rajiba Rana and it was observed that the accused persons may renew their prayer for bail after examination of the three victims in the trial Court. It is stated by the learned counsel for the petitioner that the co-accused persons have already been released on bail in BLAPL No.8864 of 2017 and BLAPL No.9510 of 2017. Copies of the bail orders are filed and taken on record. He further submitted that the three victims have already been examined and the victims have also implicated the two co-accused persons who have been

released on bail and since at this stage there is no chance of tampering with the evidence and the vital witnesses have been examined and the injuries sustained by the victims are simple in nature, the bail application of the petitioner may be favourably re-considered.

Learned counsel for the State has produced the case diary and after going through the evidence of the three victims who have been examined in the trial Court as P.Ws.1, 2 and 3, he stated that the victims implicated the petitioner as well as the two co-accused persons Rajiba Rana and Binod Kanhar.

Considering the submissions made by the learned counsels for the respective parties, the nature of accusation against the petitioner, the nature of evidence adduced so far in the trial Court, the fact that the three victims have already been examined in the trial Court and two of the co-accused persons similarly situated have been released on bail, taking into account 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.20,000/- (rupees twenty thousand) with two local solvent sureties each for the like amount to the satisfaction for the Court in seisin over the matter with further terms and conditions as

the learned Court may deem just and proper subject to condition that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial. Violation of any terms and conditions shall entail cancellation of bail.

Accordingly, the BLAPL is disposed of.

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

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S. K. Sahoo, J.

