

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.6266 OF 2021

Dhoi Mallik

.... ***Petitioner***
Mr. B.K. Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.G.N. Rout, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
29.04.2022

Order No.

01. 1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Bari Ramchandrapur P.S. Case No.122 of 2015 corresponding to C.T. (Sessions) Case No.05 of 2017 pending on the file of learned Additional Sessions Judge, Jajpur, running for the alleged commission of offence under section-147/148/452/323/302/294/506/149 of the IPC, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner.
3. Learned Senior Counsel for the Petitioner submits that the Petitioner has been in custody in connection with the above noted case since 26.02.2016 and the trial has not yet been completed. He further submits that the status of the trial as it was after 03.04.2018 as reflected in order passed by this Court in BLAPL No.6224 of 2019 has remained the same that the I.O.

has not appeared for completion of his examination. It is further submitted that co-accused persons who are said to have been gone with the Petitioner and played their respective roles in the incident are on bail since long. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and the question of tampering the evidence does not arise as almost all the important witnesses for the prosecution have been examined in the trial; he urges for reconsideration of the prayer for grant of bail to the Petitioner on such terms and conditions as deemed just and proper.

4. Learned counsel for the State opposes the move citing the role of the Petitioner as stated by the prosecution witnesses to have been so played in the incident. He is however not in a position to controvert the submission of the learned Senior Counsel for the Petitioner that this Petitioner is in custody since 26.02.2016 and the trial has not yet been completed for none appearance of the Investigating Officer.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial;
2. will appear before the IIC, Bari Ramchandrapur P.S. once in every i.e. on Monday in between 10 am to 2 pm; and
3. will not leave the jurisdiction of the Court in seisin of the case till conclusion of the trial.

Violation of any of the condition(s) shall entail cancellation of bail.

5. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

Narayan

