

ITEM NO.20 Court 2 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrL.) No(s).5027/2020

(Arising out of impugned final judgment and order dated 13-12-2019 in BLAPL No.9624/2017 passed by the High Court of Orissa at Cuttack)

SUSHIL KUMAR NAYAK Petitioner(s)

VERSUS

STATE OF ODISHA Respondent(s)

(FOR ADMISSION and I.R.
IA No. 137042/2020 - APPLICATION FOR PERMISSION)

Date : 22-03-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Dr. Joseph Aristotle S., Adv.
Mr. Somanatha Padhan, AOR
Mr. Aabhas Parimal, Adv.

For Respondent(s) Mr. Sibho Sankar Mishra, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

Heard learned counsel appearing on behalf of the petitioner as also the learned counsel appearing on behalf of the respondent - State.

Although learned counsel appearing on behalf of the respondent - State vehemently opposed the prayer for grant of bail to the petitioner herein yet taking into consideration the fact that the petitioner has suffered incarceration for more than five years, and there is no need to keep him in jail, we think it is a fit case to grant bail to the petitioner.

The petitioner is, accordingly, directed to be enlarged on bail on terms and conditions to be imposed by the trial court.

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However, we direct the trial court to expedite the proceedings.

In case the petitioner or the co-accused, who have been granted bail earlier, do not co-operate with the trial or try to tamper with the evidence or influence the witnesses, the trial court will be at liberty to cancel their bail and proceed with the case.

The respondent - State is also at liberty to move an application for cancellation of bail before the trial court, if the petitioner or the co-accused do not co-operate with the trial or try to tamper with the evidence or influence the witnesses or do not attend the court when they called for.

The special leave petition stands disposed of in the above terms.

As a sequel to the above, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(RAJ RANI NEGI)
DEPUTY REGISTRAR