

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.38 of 2022

Kuna @ Tukuna Sahu

Petitioner

Mr.P.S. Nayak, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.Karunakar Gaya, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
07.02.2022

01. 1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is a successive bail application filed by the petitioner on the ground that charge has already been framed by the learned court below. Out of eleven witnesses, six witnesses have already been examined but no incriminating material against the petitioner has been elicited.
4. In the previous order the prayer for bail was rejected on the ground of gravity of the offence, grievous injury sustained by the injured, seizure of gun from the possession of the petitioner and his involvement in 'ganja' business. But, there appears no change of circumstances except that the charge has been framed and the case is in the advance stage since some witnesses have been examined, which has premised the bail of the petitioner. Although this Court had directed the

petitioner to move the court after framing of charge but the case is to be concluded after examination of the rest witnesses. Moreover, the petitioner was absconding from the locality since the institution of the case 25.11.2019 and was arrested on 22.08.2020 i.e. after about eight months.

5. Learned counsel for the State submits that the petitioner inflicted gun shot injury on the injured which was grievous in nature.

6. In view of the above submissions of facts and circumstances, I am not inclined to allow the bail of the petitioner. Accordingly, the prayer for bail stands rejected.

7. However, the learned court in seisin over the matter is directed to conclude the trial in G.R. Case No.662 of 2019 preferably within a period of three months. In case the trial would not be completed within the stipulated period, the petitioner is at liberty to move bail petition afresh.

8. The Bail Application is accordingly dismissed.

9. Issue urgent certified copy as per Rules.

(S.K.Panigrahi)
Judge