

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 102 of 2022

Biku @ Krutibash Paikray Petitioner

Mr. M. Chand, Advocate

-versus-

State of Odisha Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

15.07.2022

02. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

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

This is an application for bail under section 439 of Cr.P.C. in connection with Nirakarpur P.S. Case No.05 of 2018 corresponding to S.T. case No. 70 of 2018 pending in the Court of learned 2nd Addl. Sessions Judge, Cuttack for alleged commission of offences under sections 302/332 of the Indian Penal Code.

The prayer for bail of the petitioner has been

rejected by the learned 2nd Addl. Sessions Judge, Khurda by order dated 22.12.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 20.01.2018 and in the trial Court, out of twenty five charge sheet witnesses, twenty two witnesses have already been examined.

As per the order dated 30.06.2022, the learned trial Court has furnished the status report dated 11.07.2022 from which it reveals that out of twenty five charge sheet witnesses, twenty two witnesses have been examined but so far as P.W.21 and P.W.22 are concerned, they have not been cross-examined at the first instance and declined and subsequently on the prayer of the defence counsel by way of a recall petition, the cross-examination of the aforesaid two witnesses has been fixed to 25.07.2022. Therefore, it appears that there is laches on the part of the defence counsel and in such a scenario, while not inclining to release the petitioner on bail, but taking into account the period of detention of the petitioner in judicial custody, I direct the learned trial Court to conclude the trial by the end of October 2022. The learned defence counsel and the Public Prosecutor shall co-operate with the Court for early disposal.

The petitioner is at liberty to renew the prayer for bail, if the trial is not concluded within the aforesaid period.

The BLAPL is accordingly disposed of.

Let a copy of the order be communicated to the Court concerned forthwith.

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

(**S.K. Sahoo**)
Judge



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