

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.340 of 2021

Subrat Naik @ Pintu Sarkar ***Petitioner***

-versus-

State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER

30.08.2022

Order

No.

02.

1. This matter is taken up through hybrid mode.
2. The Petitioner being in custody in Sessions Case No.27 of 2014, corresponding to G.R. Case No.450 of 2013, arising out of Bolangir Town P.S. No.165 of 2013, pending in the Court of Sessions Judge, Bolangir, has filed this petition for his release on bail. The offences alleged against him are punishable under Sections 302 read with Section 34 of the I.P.C. and Sections 25 & 27 of the Arms Act.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
4. It appears that the Petitioner is in jail since 15th October, 2013, but the case is yet to be disposed of.
5. No doubt, the Petitioner is facing trial in a case under Section 302 of I.P.C., but expeditious disposal of case in

respect of a person, who is incarcerated, being one of the facets of fundamental rights traced in Article 21 of the Constitution of India and it appears that though in the meanwhile near about 9 years is going to be elapsed, the case has not been concluded.

6. Hence, this Court, without expressing any opinion on the submission that the witnesses examined are not supported the case of the prosecution in any manner, directs that the Petitioner be released on bail in the aforesaid case by the Court in seisin over the matter on such terms and conditions as it would deem just and proper.

7. Accordingly, the BLAPL stands disposed of being allowed.

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

(S. Pujahari)
Judge

DA