

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.469 of 2021

Sanjaya Kumar Nayak* *Petitioner

Mr. S.K. Rout, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
25.02.2022**

Order No.

09. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

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

This is an application under section 439 of Cr.P.C. in connection with C.T. Case No.1216 of 2020 arising out of Nayapalli P.S. Case No.126 of 2020 pending in the Court of learned S.D.J.M., Bhubaneswar for offences punishable under sections 341/294/302/506/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Bhubaneswar which was rejected on 05.01.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since

07.03.2020 and his earlier bail application before this Court was rejected in BLAPL No.5527 of 2020 relying on the statements of eye witnesses who implicated the petitioner and stated that he dealt a number of blows by a knife on the deceased as a result of which he died about thirteen days after the occurrence and also taking into account the post mortem report findings. However the petitioner was given liberty to renew the prayer for bail after examination of the eye witnesses in the learned trial Court.

On a submission made by the learned counsel for the petitioner on the last date i.e. on 11.02.2022 that no charge has yet been framed, status report was called for from the learned trial Court and the learned trial Court has submitted its report dated 21.02.2022 from which it reveals that upon commitment, the case record was received from the learned Court below on 31.01.2022 and the case has been posted to 28.02.2022 for appearance of the co-accused who is on bail.

In view of such state of affairs and non-examination of the eye witnesses till now, the question of reconsideration of the bail application does not arise.

However, taking into account the period of detention of the petitioner in judicial custody, I direct the learned trial Court to expedite the framing of charge and steps be taken for examination of the eye

witnesses at the first instance.

The petitioner is at liberty to renew his prayer for bail after examination of the eye witnesses in the trial Court.

The BLAPL is accordingly disposed of.

A copy of the order be communicated to the learned trial Court for compliance.

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

(S.K. Sahoo)
Judge



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