

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.671 of 2022

Nilanchal Patra @ Kalu Patra* *Petitioner

Mr.R.N. Rout, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
16.09.2022**

Order No.

02. 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 Gopalpur P.S. Case No.171 of 2020 corresponding to S.T.No.92 of 2021(T) pending in the Court of learned Assistant Sessions Judge -cum- A.C.J.M., Berhampur for offence punishable under section 395 of the Indian Penal Code.

The prayer for bail of the petitioner was rejected by the learned Additional Chief Judicial Magistrate -cum- Asst. Sessions Judge, Berhampur vide order dated 14.12.2021.

Learned counsel for the petitioner submits that the earlier bail application of the petitioner in BLAPL No. 2531 of 2021 was rejected as per order dated 01.09.2021 on the ground that the petitioner has been identified in the test identification parade and the petitioner was granted liberty to renew his prayer for bail after examination of the identifying witness in the learned trial Court. Learned counsel fairly submitted that the identifying witness has been examined in the meantime during trial and he has supported the prosecution case and identified the petitioner in Court. He however, submitted that in view of the period of detention of the petitioner in judicial custody i.e. since 29.01.2021, direction may be given to the learned trial Court expedite the trial.

Learned counsel for the State has no objection to such prayer.

Considering the submissions made by the learned counsel for the respective parties, since the identifying witness has supported the prosecution case, 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 learned trial Court to expedite

the trial and conclude the same within a period of six months from the date of receipt of a copy of the order. The petitioner is at liberty to renew his prayer for bail, if the trial is not concluded within the said period.

The BLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

PKSahoo

