

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 876 of 2022

Pratap Kumar Biswal

....

**Petitioner**

Mr. Milan Kanungo, Senior Advocate and  
Mr.S.R.Mohanty, Advocate

*-Versus-*

State of Odisha(OPID)

....

**Opposite Party**

Mr. Anil Nayak, Counsel for the OPID

**CORAM:**

**JUSTICE R.K.PATTANAIK**

Order No.

**ORDER**  
**20.05.2022**

04.

1. Heard learned counsel for the petitioner and learned Counsel for the State (OPID).

2. This is an application under Section 439 Cr.P.C. filed for release of the petitioner in connection with E.O.W. Bhubaneswar P.S. Case No. 16 of 2019 corresponding to C.T. Case No. 3(C) of 2019 pending in the Court of learned court of the Presiding Officer, Designated Court under the OPID Act, Balasore.

3. In fact, I.A. No. 752 of 2022 is moved for interim release of the petitioner on the ground of his illness. It is contended by the learned counsel for the petitioner that the accused is suffering from several ailments and presently, he has been treated at SCB Medical College & Hospital, Cuttack and in that connection, a copy of the order dated 2<sup>nd</sup> February, 2022 of the court below in C.T. Case No. 3(C) of 2019 is annexed for the Court's perusal.

4. Learned counsel for the State (OPID) submits that there has been no rejection order against which the petitioner filed under Section 439 Cr.P.C. It is contended that the earlier order rejection is the cause of action basing upon which the petitioner has moved bail and also seeking for interim release, which is not maintainable.

5. As regards, the health condition of the petitioner, report is submitted by the learned counsel for the State (OPID) annexed with medical papers, wherefrom, it is revealed that accused is under treatment for uncontrolled diabetes at Department of Endocrinology, SCB Medical College & Hospital and on number of occasions, he has been referred to FMMCH, Balasore for check up and treatment. In any ways, considering the submission of the learned counsel for the State (OPID), the Court is of the view that the petitioner should approach the court below afresh seeking bail and if so inclined, for his interim release on the ground of illness supported by medical documents. However, the present bail plea is unable to be entertained on the cause of action which no more survives.

6. In view of the above, application under Section 439 Cr.P.C. so also so I.A. No. 752 of 2022 stand rejected.

**(R.K.Pattanaik)**  
**Judge**