

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.984 of 2020

Jagannath Jani & Another

..... Petitioners
Mr.R.L. Pattnaik, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr.S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

11.10.2022

Order No.

04.

1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. This is the second journey of these petitioners, who is in custody in connection with Jharigaon P.S. Case No.06 of 2019 corresponding to C.T. Case No.19 of 2019 pending in the Court of the learned Additional Sessions Judge, Umerkote for offence punishable under sections 364/302/201/34, I.P.C. in filing this application under section 439, Cr.P.C. for their release on bail.

3. Learned counsel for the Petitioners submits that these Petitioners being the relations of the principal accused Bhuban Jani have been unnecessarily arraigned in the case when there is no direct evidence to connect these Petitioners with the crime as alleged. He further submits that these Petitioners being arrested in the case are in custody since 27.01.2019 and despite such long period of detention of the Petitioners in custody, trial is yet to conclude. In view of all these above, he urges for reconsideration of the prayer of grant of bail to these Petitioners.

4. Learned counsel for the State opposes the move. According to him, the circumstances emanating from the materials collected in course of investigation are clinching enough to fasten the guilt upon these

Petitioners and those make out a strong prima facie case against these Petitioners. He submits that for the delay in the trial, the prosecution cannot be found at fault which is because of the local issues which were unavoidable.

5. Keeping in view the submissions made, the record being perused, it is now seen that the Petitioners had last moved for their release on bail on 27.11.2019 when during all these periods, the trial is going on wherein other developments too must have taken place.

In view of the above, at this stage while being not inclined to reconsider the prayer for grant of bail to these Petitioners, this Court feels it proper to dispose of this application granting liberty to the Petitioners to renew their prayer before the Trial Court citing all such developments which have taken place in the meantime for their consideration in proper prospective for its disposal in accordance with law.

Issue urgent certified copy as per rules.

(D. Dash)
Judge