

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2506 of 2022

Hadapa Siba @ H.Siva

.... ***Petitioner***
Mr. B.P. Das, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, A.G.A.
Mr. M.R. Patra, Adv. (Informant)

CORAM:
JUSTICE G. SATAPATHY

ORDER
09.12.2022

Order No.

- 06.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Rayagada P.S. Case No.425 of 2019 corresponding to C.T. Case No. 32 of 2020 pending in the file of District and Sessions Judge, Rayagada, for commission of offences punishable U/Ss. 364-A/377/120(B)/34 of IPC, r/w Section-25(1-B)(a)/27(1) Arms Act/7 Cr.L.A., on the allegation of kidnapping the son of the Informant for ransom of Rs. 10,00,000/- (Rupees Ten Lakhs) along with co-accused persons.
 3. In the course of hearing of the bail application, Mr. B.P. Das, learned counsel for the Petitioner very fairly and candidly submits that although there are some criminal antecedents available against the Petitioner, but in most of the cases, he has been acquitted and, in some cases, he is on bail and even if it is considered that there is a prima facie case against the Petitioner, but he has been detained in custody since last three years without any smart progress of the trial

and, therefore, at least by taking into consideration the pre-trial detention of the Petitioner, he may kindly be released on bail.

4. Mr. M.R. Patra, learned counsel for the Informant opposes the bail application of the Petitioner tooth and nail.

4(i). On contrary, Mr. P.K. Pattnaik, learned A.G.A. submits that the Petitioner is not only involved in this case but also is a habitual offender of property offence and, thereby, the Petitioner should not be enlarged on bail.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner as also the gravity of offences alleged and keeping in view the circumstance of the crime and number of criminal cases around 51 cases registered against the Petitioner as submitted and taking into account the serious allegations appearing against the Petitioner in this case, this Court considers it undesirable to grant bail to the Petitioner.

6. Hence, the bail application of the Petitioner stands rejected. However, taking into account the pre-trial detention of the Petitioner, the learned Court in seisin of the case is requested to expedite the trial and dispose of the case preferably within a period of six months of receipt/production/communication of copy of this order and if the case is not disposed of within the period as stipulated, the Petitioner may renew his prayer for bail.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge