

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2862 of 2022

Bijay@Baban@Bijaya Behera

....

Petitioner

Mr. P. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K. Das, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

27.07.2022

Order No.

03.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.363/294/323/307/506/376/302/34, I.P.C. and Section 4 of the POCSO Act.

2. Heard Mr. P. Nayak, learned counsel for the Petitioner as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party.

3. It is submitted that the Petitioner is inside custody since 4.6.2019 and the trial is yet to complete, and for such delayed trial without any fault on the part of the Petitioner, he cannot be put inside the custody indefinitely.

4. Upon hearing Mr. K. Das, learned Additional Standing Counsel for the State-Opposite Party and considering the statement of the eye-witness who is daughter of the deceased and one of the victim, and the fact that the petitioner has one criminal antecedent against the same victim, I am not inclined to release the Petitioner on bail. The period of detention of the Petitioner

inside custody, as submitted by his counsel, which does not complete half of the minimum sentence since heinous offences are alleged including the offence punishable with death, cannot be of any help to him for his release on bail. The prayer for bail is accordingly rejected.

5. The BLAPL is dismissed.

6. Learned trial court is directed to take all expeditious steps for early completion of trial.

(***B.P. Routray***)
Judge

