

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3878 OF 2022

Papu @ Ajay Kumar Moharana

.....

Petitioner

Mr.D.P.Mishra, Adv.

-versus-

State of Odisha

.....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER

12.08.2022

I.A. No. 1275 of 2022

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. Learned counsel for the petitioner wants to withdraw this interlocutory application.
4. Accordingly, the I.A. stands disposed of as withdrawn.

(V.Narasingh)
Judge

BLAPL No. 3878 of 2022

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with C.T. Case No.5464 of 2019 arising out of Mancheswar P.S. Case No. 521 of 2019 on the file of learned SDJM, Bhubaneswar, registered for the alleged

commission of offence under Section 395 of the I.P.C. and Sections 25/27 of the Act.

4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned 3rd Addl. Sessions Judge, Bhubaneswar by order dated 21.04.2022 in B.A. No.566 of 2022, the present BLAPL has been filed.

5. It is submitted that the petitioner is in custody since 10.05.2021. The Charge-sheet has already been filed. As there is no commitment, trial has not commenced.

6. Learned counsel for the petitioner seeks bail on account of non-comment of trial relying on the judgment of the Apex Court in the case of **Hussainara Khatoun & others Vrs. State of Bihar**, reported in (1980) 1 SCC 81.

7. Learned counsel for the State opposes the prayer for bail inter alia stating that petitioner has criminal antecedent under the Arms Act.

8. Considering the period of custody and non-commencement of trial, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. Additionally it is directed that the petitioner shall appear before the jurisdictional Police Station once every week till conclusion of the trial. Certification of such appearance shall be submitted to the learned court in seisin over the matter. It is needless to say that violation of condition relating to appearance shall entail cancellation of bail without further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

11. Issue urgent certified copy of this order as per Rules.

(*V.Narasingh*)
Judge

Dhal

