

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4178 of 2021

Sunil Ku. Patra

....

Petitioner

Mr. A.P. Bose, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.03.2022

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.335 of 2021, on the files of learned S.D.J.M, Patnagarh, arising out of Khaprakhol P.S. Case No.68 of 2021, under Sections 274, 275, 120(B) of IPC and are in custody since 07.05.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of Additional Sessions Judge, Patnagarh by order dated 17.05.2021 in the aforementioned case, the present BLAPL has been filed.

5. The petitioner is seeking exercise of jurisdiction of this Court under Section 439 Cr.P.C. Inter alia on the ground that since charge sheet has been filed, his further detention is not warranted.

6. The learned counsel for the State submits that the factum of filing of charge sheet is a clear indicator that the petitioner is guilty of commission of the offences.

7. This Court by order dated 15.12.2021 had specifically directed for submission of the chemical examination report. Even after elapse of almost three months, learned counsel for the State is not in a possession to produce the Chemical examination report as directed and seeks adjournment

8. Taking into account the period of custody and that charge sheet has already been filed and noting the submission of learned counsel for the petitioner that trial has not commenced and he has no criminal proclivity, this Court direct, the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi