

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5554 of 2022

***Ramesh Ch. Swain @ Vijay Sri
Ramesh Kumar***

....

Petitioner

M/s. B.B.Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

M/s.S.S.Pradhan,A.G.A.

Mr.A.Pati, Advocate

for informant

CORAM:

JUSTICE G. SATAPATHY

ORDER

31.10.2022

Order No.

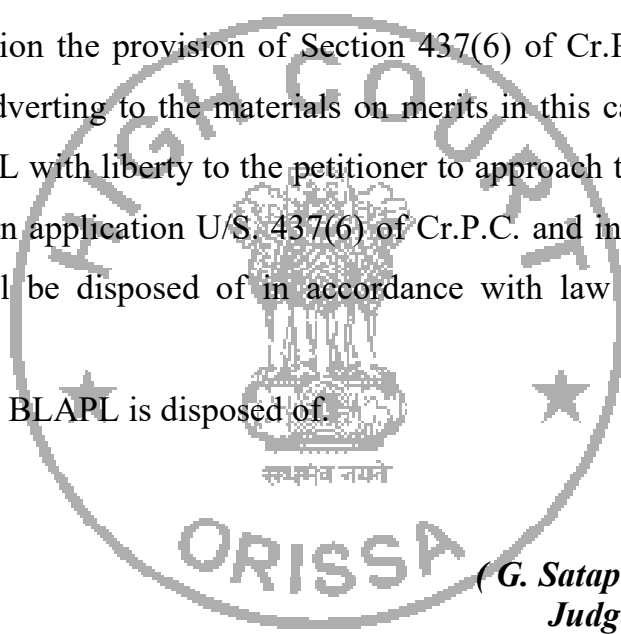
- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Bhubaneswar Mahila P.S. Case No.23 of 2022 corresponding to C.T. Case No.1147 of 2022 pending in the Court of learned S.D.J.M., Bhubaneswar for commission of offence punishable U/Ss. 494/419/420/467/468/471/120-B of the I.P.C.
 3. In the course of hearing of bail application, Mr.B.B.Mishra, learned counsel for the petitioner after advancing argument on merit submits to dispose of the bail application with liberty to the petitioner to approach the trial Court U/S. 437(6) of Cr.P.C. since trial has already commenced but the same is yet to be concluded and the petitioner has a valuable right under the aforesaid provision. It is, accordingly, prayed by him to dispose of the bail application granting liberty to the petitioner to approach the trial Court U/S. 437(6) of Cr.P.C. Learned counsel for the State, however, did not raise any

objection to such prayer by stating that it is a statutory provision available to the petitioner.

4. Mr. Anurag Pati, learned counsel for the informant although objects to the release of the petitioner on bail but he, however, raises no objection with regard to petitioner approaching the trial Court U/S. 437(6) of Cr.P.C by contending that the same is the statutory provision available to the petitioner.

5. In view of the aforesaid submissions and taking into consideration the provision of Section 437(6) of Cr.P.C., this Court without advert to the materials on merits in this case disposes of the BLAPL with liberty to the petitioner to approach the learned trial Court in an application U/S. 437(6) of Cr.P.C. and in that event, the same shall be disposed of in accordance with law by a speaking order.

6. The BLAPL is disposed of.



(G. Satapathy)
Judge