

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.477 of 2022

Pranab Thakur @ Baba

.... ***Appellant***
Mr. M.K. Panda, Advocate

-versus-

State of Odisha

.... ***Respondents***
Miss. Samapika Mishra, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
21.10.2022

Order No.

09. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The Appellant, by filing this appeal, under section 14-A of the SC & ST (POA) Act assailing the order dated 10.05.2022 passed by the learned Special Judge, Nuapada in S.A. Case No.27 of 2021.
3. Heard learned counsel for the Appellant and learned counsel for the State.
4. Keeping in view the submissions made, the record being perused, it is seen that on the earlier occasion, this Court while rejecting the prayer for grant of bail to the Petitioner had given the liberty to the Petitioner to renew his prayer for grant of bail after examination of the witnesses, namely, Ramjan Ali, Prem Satnami and Akbar Khan in the trial. It is stated at the Bar that witnesses, namely, Ramjan Ali and Prem Satnami have in the meantime been examined and as the witness Akbar Khan is in custody in the State of Chattisgarh in connection with

another case in which he is an accused, his examination is yet to commence. It is further seen that the Petitioner is facing the trial for commission of offence under section 302/34, I.P.C. and the allegation is that the Petitioner and others caused injuries on the vital part of the body of the deceased by means of sharp cutting weapon leading to his death.

5. Taking into account all these above; the present move of the Petitioner in exercising the liberty granted to him is not accepted as the other important witness for the prosecution, namely, Akbar Khan is yet to be examined.

In that view of the matter, this Appeal stands disposed of granting liberty to the Petitioner to renew his prayer after completion of the examination of the witness, namely, Akbar Khan. The Trial Court is directed to take such effective step as provided in law to ensure the presence of the above named witness for his examination in the trial.

6. Learned counsel for the State is also directed to impart necessary instruction to all concerned to cooperate in the matter.

Issue urgent certified copy of this order on proper application.

A free copy of this order be handed over to the learned counsel for the State.

(D. Dash)
Judge