

CRLMA No. 149 of 2022

Bijaya Kumar Nayak & Others ***Petitioners***

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.09.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 389(2) read with Section 439 of Cr.P.C.
4. The appeal of the petitioners is pending before the learned Additional District & Sessions Judge, Baliguda, Dist-Kandhamal in Criminal Appeal No.1 of 2022. The learned Appellate Court rejected the application for bail of the petitioners inter alia on the consideration that the appellants-petitioners were involved in committing dacoity and if released, they shall abscond.
5. It is submitted that the petitioner No.1 was released on bail by this Court by order dated 17.02.2020 in BLAPL No.10891 of 2019.
6. It is further submitted by the learned counsel for the petitioners (appellants-convicts) that during the substantial period

of trial, the petitioner Nos.2 & 3 were on bail by virtue of order of this Court dated 20.03.2020 passed in BLAPL No.9334 of 2019.

7. Subsequent to such release the petitioners have not involved in any offence and have scrupulously followed the stipulations of the bail order. Hence, it is prayed that liberal view may be taken keeping in view the conduct of the petitioners.

8. Learned counsel for the State opposes the prayer stating that the reason given by the learned Appellate Court cannot be faulted, keeping in view the nature of the accusation and the crime of the petitioners having been established in trial.

9. Taking into account the conduct as stated by the learned counsel for the petitioners and being cognizant of the fact that there is bleak chance of early disposal of the appeal, keeping in view the pendency before the learned Appellate Court, this Court is persuaded to direct the petitioners to be released on bail. Terms of release to be fixed by the learned Trial Court.

10. Accordingly, the CRLMA stands disposed of.

(V. NARASINGH)
Judge

Ayesha