

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6556 of 2022

***Pabitra Naik @ Nayak and
another***

Petitioners

Mr. R.R. Ray, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
28.07.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in G.R. Case No.624 of 2013, on the files of learned 2nd Additional Sessions Judge, Khordha, arising out of Khordha P.S. Case No.154 of 2013, under Section 302/34 of IPC and is in custody since 06.07.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Khordha, by order dated 06.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. On perusal of the order dated 06.07.2022 passed by the 2nd Additional Sessions Judge, Khordha in S.T. Case No.136 of 2013, it

is seen that as the petitioners were earlier released on bail and did not appeared on the date fixed, Non Bailable Warrant of arrest was issued and on execution thereof, the petitioners have taken into custody.

6. Keeping in view the pendency of the trial over the years learned trial Court was not inclined to entertain the petitioner on bail. Learned counsel for the petitioner submits that non appearance on the date fixed which was beyond control. There are no willful laches or negligence.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that since the conditions as stipulated has been violated no further indulgence should be shown to the petitioners.

8. Considering the submissions made, this Court directs the petitioners to be released on bail on such terms to be fixed by the trial to ensure their appearances on each date of trial. It is further directed that while so releasing one of the sureties shall be their immediate family member.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi