

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6601 of 2022

Jogendra Gouda

....

Petitioner

Mr. A. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in connection with S.T. No.32 of 2020, pending in the Court of learned Additional Sessions Judge, Khallikote, Dist-Ganjam, arising out of G.R. Case No.810 of 2019 of the Court of learned J.M.F.C., Khallikote & arising out of Khallikote P.S. Case No.356 of 2019, for offences under Section 395 of IPC read with Section 25(1-B)(a)/27 of Arms Act, 1959.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote, by order dated 30.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused similarly circumstanced have been released by this Court by order dated 11.09.2020 in BLAPL Nos. 3826 & 3827 of 2020 and it is stated that the co-accused have criminal antecedents

i.e. 5 and 4 respectively, hence inter alia on the ground of parity the petitioner seeks release.

6. On perusal of the orders passed by the Coordinate Bench, it is seen that at the time of consideration of bail by this Court by order dated 11.09.2020, the trial has not commenced as in the present case.

7. In view of the commencement of trial and keeping in view that the petitioner has 14 (fourteen) criminal antecedents, this Court finds substance in the submission made by the learned counsel for the State that the present petitioner ought not to be released during the currency of the trial. Hence, this Court is **not inclined** to consider the bail application at this stage.

8. Since the petitioner is stated to be in custody since 03.01.2020 and learned Court in seisin over the matter is requested to conclude the trial expeditiously.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha