

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6745 OF 2022

Golekh Biswal

..... *Petitioner*
Mr.Pratik Dash, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr.A.Pradhan, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
2.08.2022

Order No.
02.

1. This matter is taken up through Hybrid Mode.
2. The petitioner an accused in connection with G.R. Case No. 581 of 2004 arising out of Mahakalapara P.S. Case No. 75 of 2004, pending on the file of the learned SDJM, Kendrapara for the alleged commission of offence under Sections 341/294/326/307/506/34 of the I.P.C.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned CJM-cum-ASJ, Kendrapara, by Order dated 22.06.2022, the present BLAPL has been filed.
4. Perused the order of rejection.
5. It is seen that the petitioner was enlarged on bail. For default of his appearance on 14.09.2004, the date on which the informant and other vital witnesses were examined, the petitioner did not appear for which NBW was issued against him.

6. Taking into account the conduct of the petitioner, the learned court in seisin over the matter was not inclined to entertain the bail application of the petitioner.

7. Learned counsel for the petitioner submits that nonappearance on the date fixed was beyond his control and there are no willful latches or negligence.

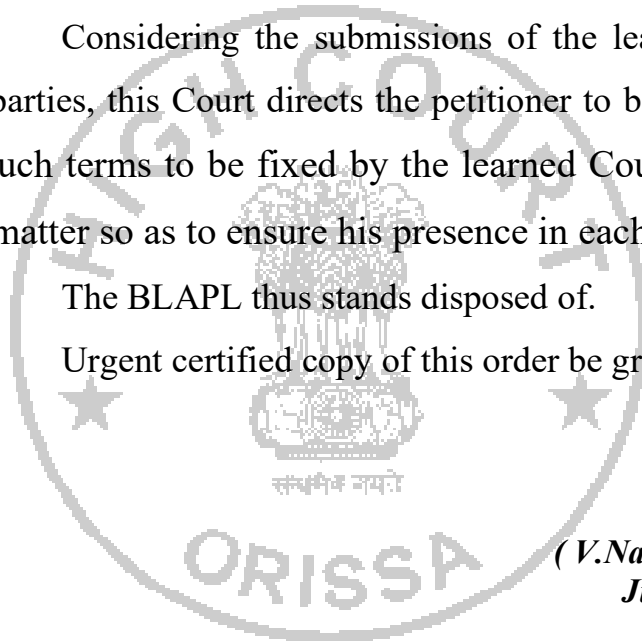
8. Learned counsel for the State opposes the prayer for bail citing the conduct of the petitioner for which trial is unnecessarily lingering.

9. Considering the submissions of the learned counsel for the parties, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter so as to ensure his presence in each date of trial.

10. The BLAPL thus stands disposed of.

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

Dhal



(*V.Narasingh*)
Judge