

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6191 of 2021

Amina Swain

.... ***Petitioner***
M/s.S.Patro, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

08.09.2022

Order No.

- 09.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Pattapur P.S. Case No.150 of 2013 corresponding to G.R. Case No.332 of 2013 pending in the Court of learned 2nd Addl. Sessions Judge, Berhampur, Ganjam for commission of offence punishable U/Ss. 302/307/326/34 of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside custody since 30.12.2013 and in the meantime while nine years have passed but the trial is progressing at snail's pace and in the meanwhile, only six witnesses have been examined till today. It is also submitted that the petitioner has surrendered before the learned trial Court after availing the interim bail for a period of 15 days and the petitioner thereby is entitled to be released on bail.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner submits that since the petitioner is involved in the murder of two persons and attempt to murder of one person, he should not be enlarged on bail at least when the informant is yet to be examined in this case.
 5. Considering the submissions advanced on behalf of the parties and

taking into consideration the allegations levelled against the petitioner for assaulting and killing the father and brother of the informant and causing amputation of the one hand of the mother of the informant by means of sword, along with co-accused persons and when the informant and other witnesses are yet to be examined in this case, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner stands rejected.

This Court, however, requests the learned trial Court to expedite the trial to conclude it within six months by taking all possible steps for early disposal.

6. Accordingly, the BLAPL stands disposed of.
7. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

