

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7538 of 2022

Sabyasachi Mishra

....

Petitioner

Mr. J.K. Majhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.10.2022

Order No.

01.

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 C.T. Case No.209 of 2020 pending on the file of learned 3rd Additional Sessions Judge, Balasore arising out of P.S. Case No.36 of 2020 corresponding to S.T. Case No.62 of 2021, for alleged commission of offences under Sections 302/120-B/294/506/34 of IPC and is in custody since 16.02.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Balasore by order dated 28.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the material witnesses examined so far have not supported the prosecution.

Hence, further continuance of the petitioner in custody is not warranted.

6. Per contra learned counsel for the State on the basis of rejection order submits that there are other witnesses who have to be examined.

7. It is the further submission of the learned State counsel that evaluation of materials on record qua the petitioner who is the principal accused ought not to be done at this stage as the same would amount to pre-judging pending trial.

8. Considering the rival submissions, this Court is **not inclined** to entertain this application at this stage.

9. Learned Court in seisin over the matter to conclude the trial within a period of two months from the date of receipt/production of certified copy of this order, since it is stated at the bar that only two official witnesses remain to be examined.

10. With such observations, the BLAPL stands disposed of.

11. It shall be open to the petitioner to renew his prayer in the event trial is not concluded within the time stipulated. Registry is requested to communicate the order.

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

(V. NARASINGH)
Judge