

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7804 of 2022

Rabindra Behera

....

Petitioner

Mr. S. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.08.2022

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 B. Town P.S. Case No.185 Dtd.09.09.2018 corresponding to S.T. Case No.58 of 2019, pending in the file of learned 1st Additional Sessions Judge, Berhampur, Ganjam, under Sections 302/201/120-B/34 of IPC.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Berhampur, Ganjam, by order dated 18.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that in the trial, the material witnesses have not supported the prosecution and hence it is stated that further continuance of the petitioner in custody is punitive.
6. Learned counsel for the State on the basis of the recitals in the Case Diary submits that there are other witnesses who have to

be examined and at this stage it is not open to the learned Court to make an assessment of evidence already adduced.

7. Taking note of the fact that trial has already commenced, this Court is not inclined to entertain this bail application at this stage. Since the petitioner is in custody 17.11.2018, learned Court in seisin over the matter is requested to conclude the trial within a period of two months from the date of receipt/production of the copy of this order.

In the event the trial is not concluded during the time stipulated it shall be open to the petitioner to renew his prayer.

8. Accordingly, the BLAPL stands disposed of.

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

Ayesha

