

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8137 of 2022

Trilochan @ Budhia Nahak Petitioner
@ Budhia

Dalirani Behuray, Advocate

-versus-

State of Odisha Opp. Party

Mrs.Susamarani Sahoo
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
15.11.2022

Order No.

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with G.R. Case No.32 of 2018 arising out of Cuttack Sadar P.S. Case No.13 of 2018 pending in the Court of learned J.M.F.C. (R), Cuttack for offences punishable under sections 307/332 of the Indian Penal Code read with sections 25 and 27 of the Arms Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since

04.01.2018 and his earlier bail application in BLAPL No.8888 of 2020 was rejected as per order dated 20.04.2021 mainly taking into account the nineteen nos. of criminal antecedents against the petitioner and it was a case under section 307 of the Indian Penal Code and from the possession of the petitioner, 9MM pistol being loaded with two rounds of live ammunitions etc. were seized. Learned counsel for the petitioner submitted that the trial has not progressed so far.

From the report dated 13.10.2022 of the learned J.M.F.C. (R), Cuttack, it appears that the case has already been committed to the Court of Session on 10.10.2022.

Considering the submission made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner and in view of the criminal proclivity of the petitioner, while not inclining to release the petitioner on bail, I direct the learned trial Court to expedite the framing of charge and take steps for examination of material witnesses at the first instance. The petitioner is at liberty to renew his prayer for bail after examination of such witnesses in the trial Court.

Accordingly, the BLAPL stands disposed of.

(S.K. Sahoo)
Judge

