

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7269 of 2021

Babu Nayak

.... ***Petitioner***
Mr. D.J. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.02.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the record as well as F.I.R.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in C.T. Case No.103 of 2021 arising out of Balasore Sadar P.S. Case No.37 of 2021 pending in the court of learned J.M.F.C.(R), Balasore for the commission of offence punishable under Sections 341/323/354/302/34, I.P.C.
5. Learned counsel for the Petitioner submits that due to sudden provocation, the Petitioner has committed the alleged crime.
6. Learned counsel for the State submits that the trial of the case has progressed substantially.
7. Considering the submissions and the materials available on record, I am not inclined to grant the benefit of bail to the Petitioner. Accordingly, the bail application stands rejected.

8. Since it is submitted by learned counsel for the State that the trial of the case has progressed substantially, learned trial court would do well to dispose of the case as expeditiously as possible preferably within a period of six months from today.

9. However, it is further directed that in the event the trial is not concluded within the stipulated period of time, the Petitioner is given liberty to file a fresh bail application.

10. With the aforesaid observation, the bail application stands disposed of.

11. Urgent certified copy of this order be granted on proper application.

Jagabandhu

