

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8537 of 2022

***Susil Mohanty @ Sushil
Mohanty @ Susilla Ku
Mohanty***

....

Petitioner

Mr. K.S. Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
19.09.2022**

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 G.R. Case No.50 of 2017, pending on the file of the learned SDJM, Hindol and after commitment renumber as C.T. (Sessions) No.51 of 2017 pending on the file of learned ASJ, Hindol, arising out of Hindol P.S. Case No.12 of 2017, offences under Sections 498-A/306 of IPC and is in custody since 09.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ASJ, Hindol, by order dated 19.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that he was released on bail by the learned Sessions Judge, Dhenkanal on 12.07.2017. Because of his non-appearance on the date of trial

even when the official witnesses who are in the attendance, learned Court in seisin over the matter was constrained to issue NBW and thereof the present petitioner was taking into custody.

6. This Court prima facie does not find any infirmity in the order passed by the learned Sessions Judge, Dhenkanal and concerned express in the order of rejection is passed on time tested principles of criminal jurisprudence.

7. Be that as it may, taking into account the submission of the learned counsel for the petitioner that non-appearance when the date fixed was on account of supervening circumstances and there are no willful laches or negligence, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally, it is directed that one of the sureties shall be immediate member of the family.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi