

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8833 of 2022

Sushil Tuti

....

Petitioner

Mr. R.N. Parija, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.09.2022

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.280 of 2012, pending in the Court of learned Sessions Judge, Sundargarh, arising out of Rajgangpur P.S. Case No.135 of 2012 further corresponding to ST 59(B) of 2013, for offences under Sections 364/302/379/120-B/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sundargarh, by order dated 21.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner was released on bail by order of this Court in BLAPL No.3196 of 2015, it is submitted that on the date fixed as the petitioner did not appear, the learned Court in seisin over the matter issued NBW and on execution of the same he has been remanded to custody on 20.08.2021.

6. Learned counsel for the petitioner submits that the non appearance on the date fixed was for reasons beyond the control of the petitioner and such non appearance was not willful.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that since the petitioner has violated the terms of the order passed by this Court, he ought not to be released on bail.

8. Keeping in view the circumstances under which the petitioner is stated to have not appeared, as advanced by the learned counsel for the petitioner, 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.

9. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every 15(fifteen) days till the conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha