

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7812 of 2021

Nanda @ Charan Parida

.... ***Petitioner***
Mr. R.N. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH

ORDER
19.10.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the successive journey of this petitioner, who is in custody in connection with Baideswar P.S. Case No.47 of 2012 corresponding to S.T. Case No.138 of 2018 pending in the Court of the learned 1st Additional Sessions Judge, Cuttack for offence punishable under sections 302/307/326/34, I.P.C. read with section 25/27 of the Arms Act and 9-B of the Explosive Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 08.05.2018. He further submits that despite such long detention of the Petitioner in custody the trial is yet to complete and, therefore, when few prosecution witnesses have already been examined, it is a fit case for reconsideration of the prayer for grant of bail to this petitioner.

4. Learned counsel for the State opposes the move. According to him, as against the incident of the year 2012 when the Petitioner has been apprehended in the year 2018, the trial had not commenced right in time. Inviting the attention of the Court to the documents placed by the Petitioner, he submits that careful perusal of all those reveal that the Petitioner has full the fullest contribution for this delay in the trial.

5. Keeping in view the submissions made, the record being perused, it is seen that the important prosecution witnesses having been examined in the trial, their cross-examination have been declined and it is not stated as to whether the Petitioner has further cross-examined them seeking their recall or has given the Memo stating that he would not cross-examine them. It next reveals that the Petitioner had moved the Trial Court last on 23.04.2020 and it is certainly expected that during the period further developments in the trial must have taken place.

6. In view of all these above, at this stage, while being not inclined to reconsider the prayer for grant bail to the Petitioner; this application is disposed of with an observation that it would be open for the Petitioner to move the Trial Court afresh for his release on bail citing all the developments, which have taken place in the meantime for their consideration in proper prospective and disposal in accordance with law.

Issue urgent certified copy as per rules.

(D.Dash)
Judge