

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8888 of 2022

Haguru @ Kanha Naik

....

Petitioner

Mr. A.K. Das (1), Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State
2. The petitioner is an accused in C.T. (Sessions) Case No.52 of 2021, pending in the Court of the learned A.S.J., Hindol, Dhenkanal arising out of Balimi P.S. Case No.16 of 2015, for commission of alleged offences under Sections 395 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.S.J., Hindol, Dhenkanal by order dated 20.05.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner was released on bail by this Court by order dated 22.12.2020 in BLAPL No.8314 of 2020. It is stated that on 24.03.2022 as the petitioner did not appear, the NBW(A) was issued pursuant to which the accused was taken into custody on 13.05.2021 and since then he is in custody.

5. It is submitted that after being released on bail the petitioner has not misused the liberty and in fact appeared for considerable period without fail but on account of supervening circumstances he could not appear on the date fixed and such appearance was not wilful.

6. Learned counsel for the State opposes the prayer keeping in view the conduct of the petitioner.

7. Taking into account the fact that this is the first time the petitioner could not appear before the learned Court in seisin on the date fixed, this Court is persuaded to direct his release.

8. Hence, the petitioner is directed to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Keeping in view the conduct of the petitioner, it is directed that he shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi