

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9389 of 2022

Dipu @ Jajati Keshari Singh

Petitioner

Mr. N. Lenka, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

Order No.

02.

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 S.T. Case No.229 of 2022 pending on the file of learned CJM-cum-Asst. Sessions Judge, Baripada corresponding to C.T. Case No.875 of 2022 of the file of the learned SDJM, Baripada which further corresponding to Baripada Sadar P.S. Case No.0073 of 2022, for alleged commission of offences under Section 457/436 of IPC and is in custody since 27.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned C.J.M.-cum-A.S.J. Baripada by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that in the meanwhile seven witnesses have been examined out of which

P.W.4 is the wife of the victim and it is stated that since she has not supported the prosecution, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that neither the informant nor the injured have been examined.

7. Keeping in view the back ground in which the accusation; this Court is not persuaded to release the petitioner on bail at this stage. Since it finds sufficient force in the submission of the learned Public Prosecutor that it is going to affect the impending trial. Hence the bail application stands dismissed.

8. It shall be open to the petitioner to renew his prayer before the learned Court in seisin after examination of either the informant or the injured.

9. Since the petitioner is in custody from 27.05.2022, learned Court in seisin is called upon to expedite the trial and conclude the same within a period of three months from the date of receipt/production of copy of this order. It shall be open to the petitioner to renew his prayer, in the event the trial is not concluded within the time stipulated,

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge