

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9498 of 2022

Subash Chandra Mohanty

Petitioner

Mr. S.R. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with S.T. Case No.121/13/102 of 2009-10-13, pending in the Court of learned Additional Sessions Judge, Jharsuguda, arising out of Jharsuguda G.R.P.S. Case No.31 of 2009, for commission of offences under Sections 363A/379 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Jharsuguda, by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner was released on bail. Since he did not appear on the date fixed, NBW was issued and he has been taken into custody on 09.08.2022. It is submitted with vehemence that non appearance on

the date fixed was on account of circumstances beyond the control of the present petitioner and such default is not willful.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that keeping in view the conduct of the petitioner, there is every likelihood of his not cooperating for which the trial is lingering.

7. Considering the release of the petitioner earlier and the submission of the learned counsel for the petitioner that the default was unintentional, 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 the father of the petitioner who is the deponent of the bail application shall be one of the sureties.

9. It is further directed that the petitioner shall appear before the jurisdictional police station once every week till 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