

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No.273 of 2022

Prasanta Pradhan

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
19.10.2022

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. This is an application under Section 389(2) read with Section 439 of Cr.P.C.
 4. The appeal of the Petitioner is pending before the learned Addl. Sessions Judge, Balliguda in Criminal Appeal No.1 of 2022. The learned Appellate Court rejected the application for bail of the Petitioner, inter alia, on the consideration that the Appellant-Petitioner was involved in committing dacoity and if released, he shall abscond.
 5. Learned counsel for the Petitioner submits that the Petitioner is on a better footing than the co-accused, who have since been released on bail vide order dated 24.09.2022 in CRLMA No.149 of 2022. Inasmuch it is submitted that the present Petitioner

was not identified in the T.I Parade though it is fairly submitted that P.Ws.6 and 11 have identified him in the court. It is also stated that the Petitioner is in custody throughout trial.

6. It is also stated that the Petitioner is in custody for more than 3 years and the punishment prescribed is 7 years. Hence, it is prayed that liberal view may be taken and the Petitioner be released on bail.

7. Learned counsel for the State opposes the prayer for bail stating that the reason given by the learned appellate court cannot be faulted keeping in view the nature of the accusation and the crime of the Petitioner having been established in the trial.

8. Taking into account that the Petitioner is in custody for more than 3 years out of 7 years of conviction and the release of the co-accused as adverted to above, this Court is persuaded to direct the Petitioner to be released on bail. Terms of release to be fixed by the learned trial court.

9. Accordingly, the CRLMA stands disposed of.

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

(V. NARASINGH)
Judge

PKS