

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10017 of 2022

Balia @ Balaram Dakua

....

Petitioner

Mr. J. Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.10.2022

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. The petitioner is an accused in connection with G.R. Case No.226 of 2016, pending in the Court of the learned J.M.F.C., Khallikote, arising out of Khallikote P.S. Case No.100 of 2016, for alleged commission of offences under Sections 395/412 of IPC read with Section 25(1-B)(a) and 27 of Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote, by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that on the basis of order of rejection that on the date fixed, as there was no representation on the part of the petitioner, NBW was issued and

pursuant to which the petitioner has been taken into custody on 20.09.2022.

6. It is submitted that non appearance on the date fixed was on account of communication gap between the petitioner and the counsel and there was no willful disobedience of the order passed.

7. Considering that the petitioner was earlier released on bail and taking into account the submission of the learned counsel for the petitioner that the non appearance was unintentional, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Additionally it is directed that one of the sureties shall be immediate family member and it is further directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial. The date and time of such appearance of the petitioner to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha