

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.8645 OF 2020

B. Ashok Kumar @ Bidika Ashok Kumar ***Petitioner***

Mr.J. Sahoo, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. D.R. Parida, ASC.

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
06.01.2022**

Order No.

- 04.
1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. This is the successive journey of the Petitioner who is in custody in connection with Kashinagar P.S. Case No.12 of 2018 corresponding to S.T. Case No.52 of 2018 arising out of G.R. Case No.103 of 2018 on the file of learned Sessions Judge, Gajapati-Paralakhemundi for alleged commission of offence under Section -302/120-B/307/109/114/34 of the IPC read with Section-25/27 of the Arms Act, in filling this application under section 439, Cr.P.C. for his release on bail in the above mentioned case.
 3. Upon hearing learned Counsel for the Petitioner and learned Additional Standing Counsel and on going through the record as place, it is seen that the main submission of the learned Counsel for the Petitioner that the eye witness during

the trial has not supported the case of the prosecution, had not been so advanced before the Trial Court for its consideration in the matter of grant of bail to the Petitioner as the Trial Court being moved for grant of bail to the Petitioner on 17.11.2020, the said witness has been examined thereafter on 16.01.2021.

In view of above, this application stands disposed of granting liberty to the Petitioner to renew his prayer before Trial Court by citing all the developments which have taken place in the meantime in their proper perspective.

It is needless to observe that in the event such a move is made, the Trial Court would do well to consider the same on its own merit; further taking into account all the aforesaid developments and the submissions as above in their proper perspective without being influenced by earlier orders and dispose of the same early in accordance with law.

5. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan