

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10399 of 2022

Babula Choudhury

....

Petitioner

Mr. T.K. Mishra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.11.2022

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 C.T. Case No.35 of 2022, pending before the learned Additional District & Sessions Judge, Rayagada, arising out of Tikiri P.S. Case No.151 of 2021, for alleged commission of offences under Sections 341/323/506 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Rayagada, by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Since trial has commenced, this Court is not inclined to entertain this bail application notwithstanding the submission of the learned counsel for the petitioner that even if the entire prosecution

is accepted at its face value, no case under Section 302 of IPC is made out.

6. Any finding on the submission made by the learned counsel for the petitioner would amount to prejudging the issue for which this Court is not persuaded to entertain this bail application at this stage. As the petitioner is in custody since 08.12.2021, the learned trial Court may expedite the trial.

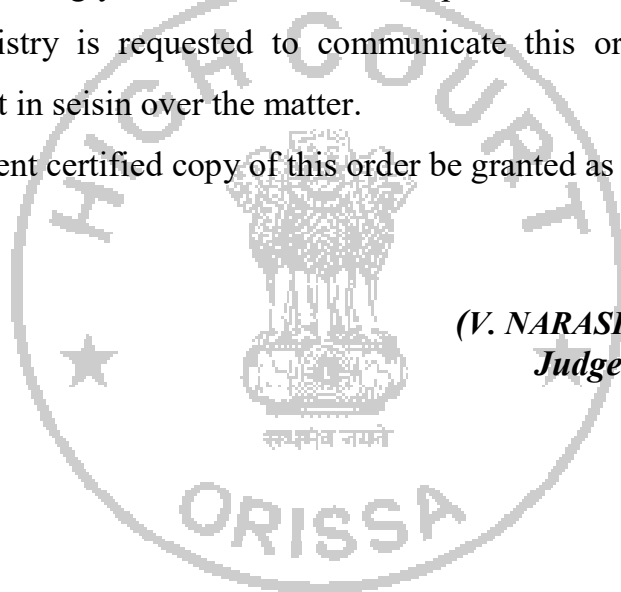
7. At this juncture, the learned counsel for the petitioner wants to withdraw this bail application.

8. Accordingly, the BLAPL stands disposed of as withdrawn.

9. Registry is requested to communicate this order to the learned Court in seisin over the matter.

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

Ayesha



(V. NARASINGH)
Judge