

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10311 of 2021

Iswar Mohalik

....

Petitioner

Mr. A. Patnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. A.K. Beura,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
06.05.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with S.T. Case No.152 of 2020 arising out of Sahadevkhunta P.S. Case No.162 of 2020 pending in the Court of learned Sessions Judge, Balasore for alleged commission of offences punishable under sections 395/397 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Balasore which was rejected on 23.08.2021.

Learned counsel for the State on verification of the case record submitted that the petitioner has got fifty three criminal antecedents and the petitioner has been identified in the test identification parade by one Sankar Sahu, who is the informant in this case.

Learned counsel for the petitioner fairly submitted that the identifying witness has not yet been examined.

In view of such submission and the criminal antecedents against the petitioner, while not inclining to release the petitioner on bail, but taking into account the period of detention of the petitioner in judicial custody, the learned trial Court is directed to take steps for examination of the identifying witness at the first instance.

The petitioner is at liberty to renew his prayer for bail after examination of the identifying witness.

The BLAPL is accordingly disposed of.

A copy of the order be sent to the learned trial Court for compliance.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge