

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10607 of 2021

Keshaba Mahakud

....

Petitioner

Mr. A.Das, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

28.02.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. It is submitted that the petitioner was remanded to judicial custody on 29.03.2020 and as such, the statutory period of 180 days for completion of investigation was due to expire on 25.02.2021. However, charge sheet was not submitted within the said date and was filed on the next day. It appears from the order of rejection passed by learned Court below that the fact of non-submission of charge sheet within the stipulated period has been duly taken note of but it is not clear as to whether the accused was produced before the Court on the expiry of 180 days and was made aware of his indefeasible right to be released on bail for the default of the I.O. As it appears the application for default bail filed subsequently by the petitioner was rejected on the ground that he had not filed the petition at the appropriate time.
4. Having regard to the settled position of law, this Court deems it proper to grant liberty to the petitioner to move an application

for default bail afresh. If such an application is moved, learned Court below shall consider the same having due regard to the position of law as settled in the case of *M. Ravindran vs. Intelligence Officer, Directorate of Revenue Intelligence*, reported in (2021) 81 OCR (SC) 548: (2021) 2 SCC 485 and *Lambodar Bag v. State of Odisha*, reported in 2018 (71) OCR 31 etc.

5. BLAPL is accordingly disposed of.
6. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

