

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11969 of 2022

Binaya Naik

.... Petitioner

Mr.S.R. Rout, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. Arupananda Das

Addl. Government Advocate

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

**ORDER
22.12.2022**

Order No.

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

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

This is an application under section 439 Cr.P.C. in connection with Balimi P.S. Case No.16 of 2015 corresponding to C.T. Case No.81 of 2016 pending in the file of learned Asst. Sessions Judge, Hindol for alleged commission of offence under section 395 of the Indian Penal Code.

The prayer for bail of the petitioner has been rejected by the learned Asst. Sessions Judge, Hindol vide order dated 21.09.2022.

Learned counsel for the petitioner was earlier on bail, but due to non-taking of steps in the learned trial Court, non-bailable warrant of arrest was issued against him for which he was taken into judicial custody on 11.11.2021 and since then he is in custody. He further submitted that the petitioner is ready and willing to cooperate with the learned trial Court for early disposal of the case and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the fact that the petitioner was earlier on bail and taking into account the period of detention in judicial custody, I am of the opinion that it is a fit case for grant of bail to the petitioner.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper to ensure his presence during trial with further condition that the petitioner shall appear before the trial Court on each date when the case would be posted for trial.

Violation of any of the terms and conditions fixed shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

