

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.11109 OF 2021

Dhusan @ Dhusasan Sethi

....

Petitioner

Mr. B. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

20.10.2022

Order No.

- 02.
1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. This is the second journey of the Petitioner who is in custody in connection with Simulia P.S. Case No.209 of 2017 corresponding to C.T. Case No.708 of 2017 pending on the file of learned J.M.F.C., Soro, for commission of offence under Section -395/457 of the IPC, in filling this application under section 439, Cr.P.C. for reconsideration of his prayer for grant of bail to the Petitioner in the above mentioned case.
 3. Upon hearing learned Counsel for the Petitioner and learned Counsel for the State and on going through the order dated 23.09.2021 passed by the learned Assistant Sessions Judge, Soro in BLAPL No.146 of 2021, at this stage, while being not inclined to reconsider the prayer for grant of bail to the Petitioner; this application stands disposed of granting liberty to the Petitioner to renew his prayer after examination of

the prosecution witnesses Damodar Behera, his wife Ramamani and mother Kini in the trial.

It is however clarified that in the event all those witnesses have in the meantime, examined in the trial, the Petitioner can exercise the liberty as aforegranted and in case the above noted witnesses have yet not been examined in the trial, the Trial Court shall do well to take all such effective steps as provided in law for securing presence of those witnesses for early recording of their evidence so as to enable the Petitioner to exercise the liberty as aforesaid.

4. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

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

Narayan

