IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.111 of 2026
CNR No. ODHC010865342025

Gopinath Sahu ..... ***Appellant***

Represented by Adv. –
Mr. Subash Chandra Pradhan

-versus-

1) State of Odisha ..... ***Respondents***
2) Informant

Represented by Adv. -
Smt. Sasmita Nayak, ASC

M/s. Gopal Prasad Lal,
Dibya Prakash Mishra

(For Respondent No.2)

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No. **I.A. No.346 of 2026**

10. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. This interlocutory application has been filed by the Appellant with a prayer for condonation of delay of 189 days in filing the present Criminal Appeal.

3. Heard learned counsel for the Appellant as well as the learned counsel for the State-Respondent No.1.

4. Considering such submission made by the learned counsel for the Appellant and the grounds taken in the application, the delay of 189 days, as has been pointed out by the Stamp Reporter, in filing the

criminal appeal is hereby condoned.

5. The I.A. is, accordingly, disposed of.

CRLA No.111 of 2026

6. The present Criminal Appeal has been filed at the instance of the Accused-Appellant under Section 14-A of the S.C. & S.T. (PoA) Act, 1989, thereby challenging the order dated 22.02.2025 passed in C.T. (Spl.) Case No.85/05 of 2023-24, which arises out of Bhatli P.S. Case No.206 of 2023, pending in the court of learned Additional Sessions Judge, Bargarh.

7. Learned counsel for the Appellant, at the outset, contended that the Appellant, who has been implicated in the abovenoted case, is facing trial for commission of an offence punishable under Section 302 of I.P.C. read with Section 3(2)(v) of S.C. & S.T. (PoA) Act, 1989. Learned counsel for the Appellant further contended that the Appellant has been languishing in custody since 06.09.2023. He further submitted that out of fifty prosecution witnesses, eleven prosecution witnesses have been examined so far. He also brought to the notice of this Court that the witnesses, who have been examined so far, have not deposed against the present Appellant. On such grounds, learned counsel for the Appellant submitted that learned Special Court has committed an illegality by rejecting the Appellant's prayer for bail.

8. On perusal of the record, it appears that the impugned order was passed way back on 22.02.2025. In the meantime, some of the witnesses have been examined.

9. Learned counsel for the State-Respondent No.1, on the other

hand, while objecting the release of the Appellant on bail, contended before this Court that many material witnesses, including the Informant, are yet to be examined. On such grounds, learned counsel for the State-Respondent No.1 prayed for rejection of the prayer for bail of the Appellant.

10. Learned counsel for the Appellant, at this juncture, contended that although summons have been issued to the Informant to appear before the Court and to depose in connection with the case, however, the Informant is avoiding such summons resulting in the trial being delayed.

11. With the aforesaid factual backdrop, this Court directs the learned trial court to take necessary steps including coercive measures to ensure the appearance of the Informant for recording of the deposition of the Informant.

12. While disposing of the present Criminal Appeal, this Court grants liberty to the Appellant to move a fresh bail application before the trial court after examination of the Informant in this case.

(Aditya Kumar Mohapatra)
Judge

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