

(2024) 07 OHC CK 0064

In the Orissa High Court

Case No : Bail Application No. 1461 Of 2024

Ashok Kumar Rout @ Ashok Rout

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 19-07-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 170, 171, 395, 397, 457
Arms Act, 1959 — Section 25

Citation : (2024) 07 OHC CK 0064

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Sushanta Harichandan, S. Mishra

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This is the second application of the petitioner under Section 439 of Cr.P.C. in connection with Sarangada P.S. Case No. 57 of 2023 corresponding to C.T. Case No. 238 of 2023 pending in the Court of the learned S.D.J.M., Balliguda where chargesheet has been submitted under Sections 457, 395, 397, 170, 171 of IPC and Section 25 of Arms Act. After commitment, the case is pending before the learned Assistant Sessions Judge, Balliguda in S.T. Case No. 03 of 2024.

2. The prayer of the petitioner in BLAPL No. 11484 of 2023 had been rejected on 29.11.2023 granting liberty to the petitioner to approach the learned Court below for bail afresh after completion of the investigation.

3. After submission of chargesheet, the prayer for bail of the petitioner has been rejected vide order dated 03.02.2024 passed by the learned Assistant Sessions Judge, Balliguda.

4. Perused the report dated 11.07.2024 of the learned Assistant Sessions Judge, Balliguda, I/c. It is stated in the report that out of 16 chargesheet witnesses 15

witnesses have already been examined in the trial which includes the informant and the I.O. The prosecution added the medical officer and the S.D.J.M., Balliguda who conducted the T.I. parade as charge sheet witnesses nos. 17 and 18 in the case and both of them have already been examined as P.W.12 and 13 respectively. Summons have been issued for examination of remaining three charge sheet witnesses and the case is posted to 16.07.2024 for examination of the other charge sheet witnesses.

5. In view of this report, Mr. Sushanta Harichandan, learned counsel for the petitioner submits that as he has not been able to obtain the depositions of the witnesses, he may be permitted to withdraw this bail application with liberty to move the learned court below for bail afresh, in case the trial is not completed within a period of two months.

6. Considering the said submission, the bail application is disposed of as withdrawn with the aforesaid liberty.

7. Urgent certified copy of this order be granted on proper application.

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