

(2024) 01 OHC CK 0052

In the Orissa High Court

Case No : Bail Application No. 14581 Of 2023

Bijay Kumar Khatei @ Kundura Vs State Of Orissa ?

Date of Decision : 08-01-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 437, 439
Indian Penal Code, 1860 — Section 294, 353, 399, 402, 506
Arms Act, 1959 — Section 25

Citation : (2024) 01 OHC CK 0052

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : S.N.Mishra, S.S.Mohapatra

Final Decision : Dismissed

Judgement

Savitri Ratho, J

1. This is the second application filed by the petitioner under Section 439 of Cr.P.C. for grant of bail in connection with Gop P.S. Case No.249 of 2023 corresponding to G.R. Case No.439 of 2023, pending in the file of the learned J.M.F.C., Konark registered for commission of offences punishable under Sections 399, 402, 294, 353, 506 of IPC read with Section 25 of the Arms Act.

2. The earlier bail application of the petitioner – BLAPL No.10527 of 2023 had been dismissed as withdrawn by order dated 22.11.2023. Thereafter, the petitioner had moved for bail before the learned Addl. Sessions Judge, Nimapara and by order dated 16.12.2023, his prayer for bail had been rejected. One of the primary grounds for rejecting the prayer for bail is that 27 cases are pending against the present petitioner.

3. Mr. S.N.Mishra, learned counsel for the petitioner submits that the petitioner has been remanded to custody since 21.07.2023 and in the meanwhile chargesheet has been submitted and since the petitioner has 27 criminal antecedents, a direction may be issued to the learned Court below for completion of the trial within a stipulated period.

4. As the case is of the year 2023 and pendency of cases before the learned S.D.J.M., Sundargarh is not available, the prayer of learned counsel for the petitioner for a completion of the trial within a stipulated time cannot be granted.

5. The BLAPL is accordingly dismissed.

6. Liberty is granted to the petitioner to move for bail afresh in case there is undue delay in completion of the trial.

7. Urgent certified copy of this order be granted as per rules.

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