
(2021) 06 OHC CK 0030

In the Orissa High Court

Case No : Bail Application No. 759 Of 2021 & Bail Application No. 967 Of 2021

Chandramani @ Chandu Naik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 08-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 307, 394, 395
Arms Act, 1959 — Section 25, 27

Citation : (2021) 06 OHC CK 0030

Hon'ble Judges : S. K. Sahoo, J

Bench : Single Bench

Advocate : Ronit Ghosh, Sanjibani Mishra

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

This matter is taken up by video conferencing mode. Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with G.R. Case No.1520 of 2020 arising out of Talcher P.S. Case No.364 of 2020

pending in the Court of learned S.D.J.M., Talcher for commission of offence punishable under section 394 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Talcher which was rejected on 15.12.2020.

Perused the comprehensive affidavit filed by the learned counsel for the petitioner in terms of the order dated 24.02.2021.

It appears from a conjoint reading of paragraph-5 of the rejection order as well as the comprehensive affidavit that the petitioner has more than six

numbers of cases against him which are under sections 307, 394 and 395 of the Indian Penal Code so also sections 25 and 27 of the Arms Act.

In this case, the petitioner has been identified in the T.I. Parade.

In view of the factual scenario, the criminal proclivity of the petitioner and the available materials on record, while not inclining to grant bail to the

petitioner on merit at this stage, but taking into account the fact that the present case is triable by Magistrate, it is ordered that the learned Magistrate

shall expedite the trial and take steps to examine the identifying witnesses at the first instance. The petitioner is at liberty to renew the prayer for bail

after examination of the identifying witnesses in the trial Court.

Accordingly, the BLAPL is disposed of.

Let a copy of the order be sent to the learned trial Court for compliance.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available

in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's

Notice No. 4587 dated 25th March 2020 as modified by Court's Notice No. 4798 dated 15th April 2021.