

(2023) 10 OHC CK 0184

In the Orissa High Court

Case No : Bail Application No. 9580 Of 2023

Chhabindra Mallick @ Chhabi Mallick

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 30-10-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 302, 304B, 498A

Citation : (2023) 10 OHC CK 0184

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : S. Pani, A. Pradhan

Final Decision : Dismissed

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is an accused in C.T. Case No.152 of 2018 pending on the file of learned Addl. Sessions Judge, Bhubaneswar, arising out of Baliana P.S. Case No.57 of 2018 for commission of the offence under Sections 498-A/304-B/302 IPC.

3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Addl. Sessions Judge, Bhubaneswar, by order dated 07.08.2023 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that this Court while not entertaining the earlier bail application of the Petitioner in BLAPL No.759 of 2023 by order dated 24.03.2023 directed the trial to be concluded within a period of three months from the date of receipt/production of copy of this order. Leave was granted to the

Petitioner to renew his prayer in the event trial is not concluded within the time

frame, as fixed. Since the trial has not been concluded, the Petitioner has approached this Court again.

5. It is the further submission of the learned counsel that in the meanwhile since the material witnesses have already been examined and referring to the said statements, the Petitioner is entitled to be released on bail.

6. Learned counsel for the State opposes the prayer for bail.

7. Perused the report submitted by the learned Court in seisin indicating that by 16.10.2023, 14 witnesses have already been examined out of 26 charge sheeted witnesses and the case was posted to 17.10.2023 for trial.

8. On perusal of the statements of the witnesses on record, this Court is not inclined to entertain this bail application.

9. Accordingly, BLAPL stands rejected.

10. Learned Court in seisin is once again requested to conclude the trial within a period of 2 months hence. In the event trial is not concluded, leave is granted to the Petitioner to renew his prayer.

11. Registry is called upon to communicate this order.

12. Perused the report and the explanations as submitted. No further order need be passed in the case at hand. Learned Court in seisin, concerned Superintendent and Dealing Assistant are advised to be careful in future..

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