
(1984) 12 OHC CK 0013

In the Orissa High Court

Case No : Criminal Miscellaneous Case No. 849 of 1984

Juria alias Jurinath Gauda

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 21-12-1984

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 437

Citation : (1985) 59 CLT 81 : (1985) 1 OLR 97

Hon'ble Judges : R.C. Patnaik, J;B.K. Behera, J

Bench : Division Bench

Advocate : Jayant Das, B. Das and M.S. Haque, for the Appellant; N.C. Panigrahi, Additional Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

1. We have heard Mr. Das for the petitioner and Mr. N. C. Panigrahi, the learned Addl. Govt. Adv.

2. Accused of commission of an offence of murder, the petitioner seeks his release on bail after unsuccessfully moving the Court of Session. In Criminal Miscellaneous Case No. 404 of 1984, this Court had rejected an application for his release on bail by its order, dated July 2, 1984, with a direction for expeditious trial.

3. It has been brought to our notice that in spite of the specific order passed by this Court for expeditious trial, the police authorities have not produced the petitioner, who is in custody and is said to be ailing, in the Court of the learned Sessions Judge since July 17, 1984 and there have been a number of adjournments for the non-production of the petitioner in custody on the ground of shortage of police personnel in spite of issue of escort requisitions by the learned Sessions Judge. Production of under-trial prisoners in custody for the expeditious disposal of sessions cases is as important as any other matter for, which police personnel may be urgently necessary. In a large number of"

sessions cases pending in different Courts, we have noticed that the under-trial prisoners are not being produced on many dates on the same ground. This is indeed, unfortunate. A prisoner may not be released on bail merely on the ground of some delay in his trial. In the circumstances of the case, however, in spite of the Specific order passed by this Court for expeditious trial, the petitioner has not been produced in custody in the Court of the learned Sessions Judge on a number of dates. It would be just and reasonable, in our view to admit the petitioner to bail "in the circumstances of the case.

4. We would allow the application and direct the release of the petitioner on a bail of Rs. 5000/- (Rupees five thousand) with two sureties each for the like amount to the satisfaction of the Sessions Judge, Ganjam, Berhampur.

5. Copies of this order shall be sent by the Registrar (Judicial) of this Court to the Chief Secretary to the Government of Orissa and the Director-General of Police, Orissa, for their information,