

**(2024) 07 OHC CK 0034**

**Orissa High Court**

**Case No:** Bail Application No. 2090 Of 2024

Jaypal @ Jaipal Party

APPELLANT

Vs

State Of Odisha

RESPONDENT

**Date of Decision:** July 1, 2024

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 120B, 201, 302, 364

**Hon'ble Judges:** Savitri Ratho, J

**Bench:** Single Bench

**Advocate:** Arijit Mishra, S. S. Mohapatra

**Final Decision:** Disposed Of

**Judgement**

Savitri Ratho, J

1. Mr. A. Mishra, learned counsel for the petitioner submits that inadvertently the word "never" has been typed in between the words "arises" and "before", in the certificate in the cause title of the bail application the same mistake may be ignored.
2. As the details of the earlier bail application BLAPL No.12111 of 2023 has been indicated in the certificate, no action need be taken against the deponent for giving an ambiguous certificate.
3. Perusal of the order dated 30.10.2023 passed in BLAPL No. 12111 of 2023 filed by the petitioner earlier reveals a typographical error in paragraph 7 of the order, where the word "liberty" has not been typed after the word "granting". The said typographical error be corrected and the corrected order uploaded on the website.

4. This is the second application of the petitioner filed under Section 439 of the Cr.P.C. in connection with Ghagarbeda P.S. Case No. 13 of 2010 corresponding to G.R. Case No. 258 of 2010(A), now pending in the court of the learned Additional Sessions Judge, Karanjia in S.T. Case No. 74 of 2023 under Section 302,201,364,120-B of the IPC.

5. The earlier application BLAPL No. 12111 of 2023 had been disposed of on 30.10.2023 granting liberty to the petitioner to move for bail afresh, if there is delay in framing of charge.

6. Perusal of the rejection order dated 17.02.2024 reveals that charge has been framed on 12.06.2024 under Section 302,201,364,120-B of the IPC (mentioned in the paragraph 4 of the rejection order dated 17.02.2024). Charge could not have been framed on 12.06.2024 as the rejection order is on 17.02.2024.

7. It is therefore necessary to call for a report from the learned Additional Sessions Judge, Karanjia regarding the status of the trial and the witnesses to be examined and the correct date on which charge has been framed against the petitioner.

8. In case the learned Court below finds that there is a typographical error in the date of the order, it should be corrected and a copy sent to this Court with the report. In the meanwhile, the case diary and criminal antecedents of the petitioner, if any may be called for by the learned State Counsel.

9. List this case on 12.07.2024.

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