

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2415 of 2022

Dipu @ Ajit Kar @ Asit Kumar Kar

Petitioner

Mr. S.K.Samantaray
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.4.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 31st January, 2022 in connection with Dargha Bazar P.S. Case No.13/2022 corresponding to G.R. Case No.138/2022 pending in the court of learned S.D.J.M.(S), Cuttack for the alleged commission of the offence under Section 394 of I.P.C. read with Section 25 and 27 of the Arms Act.

4. As it appears, the learned court below rejected the prayer for bail mainly on the ground that he is a habitual offender and has also been convicted in another case and sentenced to undergo R.I. for ten years. Obviously, the same cannot be the sole ground to reject the prayer for bail which ought to be considered on its own merit having regard to the facts and circumstances of the case.

5. Considering the submissions made, the materials on record and the period of detention in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of the case without fail.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge