

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5213 of 2020

Pagulu @ Sarata Biswal

....

Petitioner

Mr. S.S. Chaini, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.05.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in C.T. Case No.708 of 2017, on the files of learned J.M.F.C. Soro, arising out of Simulia P.S. Case No.209 dated 31.07.2017, under Sections 457/395 of IPC and is in custody since 20.12.2018.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Balasore, by order dated 26.02.2020 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the petitioner was remanded in the case at hand on 20.12.2018 and it is submitted that there are no materials to connect the petitioner with the crime except the co-accused statement.

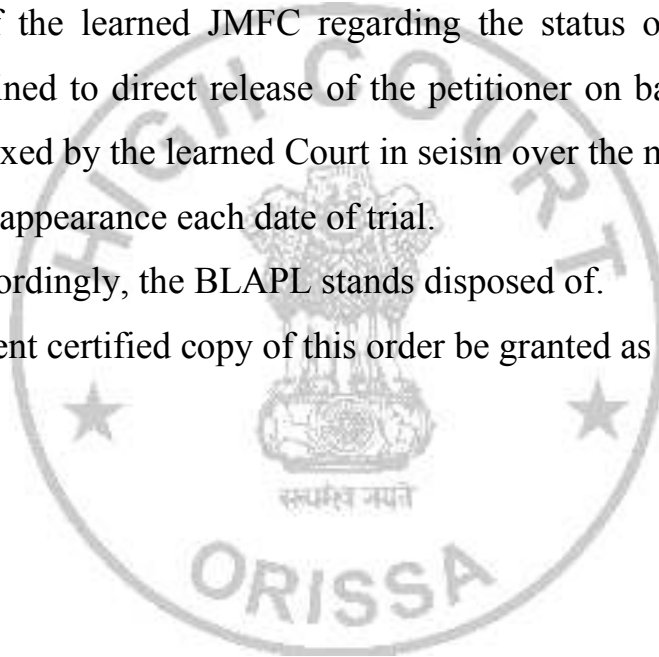
6. The learned counsel for the State on perusal of the case diary also submits that the petitioner was not put to T.I. parade nor there was any recovery from him and does not dispute the basis of implication as stated by the learned counsel for the petitioner.

7. It is further submitted by the learned counsel for the State that petitioner has got criminal antecedent of similar nature hence his prayer for bail does not merit consideration of this Court.

8. Taking into account the circumstances under which the petitioner has been implicated in the case at hand and considering the report of the learned JMFC regarding the status of trial this Court is inclined to direct release of the petitioner on bail on such terms to be fixed by the learned Court in seisin over the matter so as to ensure his appearance each date of trial.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rules.



(V. NARASINGH)
Judge

Santoshi