

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6443 of 2022

Adnan Akhtar Khan

....

Petitioner

Mr. S. Mahunta, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.10.2022

Order No.

03.

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 G.R. Case No.49 of 2022, pending in the file of learned S.D.J.M., Gunupur, arising out of Padmapur P.S. Case No.25 of 2022, for alleged commission of offence under Sections 420/407 of IPC and is in custody since 07.02.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Gunupur by order dated 29.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the principal accused is his father and since charge sheet has already been filed in the meanwhile and the truck in question has

been recovered, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the investigation has been kept open under Section 173(8) of the Cr.P.C, and the seizure of the vehicle from the possession of the petitioner after changing of the colour points to the complicity of the petitioner and since he is not residing within the territorial jurisdiction of the Court in seisin, his release will affect the impending trial.

7. Taking into account the nature of accusation, punishment prescribed and filing of charge sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Keeping in view that the petitioner does not live within the jurisdiction of the Court in seisin, one of the sureties shall be a local person.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi