

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6527 of 2022

Alok Pattanayak

....

Petitioner

Mr. A.C. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

02.11.2022

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.280 of 2022, pending in the file of learned J.M.F.C., Tirtol, arising out of Tirtol P.S. Case No.303 of 2022, for alleged commission of offence under Sections 452/394/411/201/34 of IPC read with Section 25 and 27 of the Arms Act and is in custody since 27.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Jagatsinghpur by order dated 23.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner is in custody since 27.05.2022 and since charge sheet has already been filed and co-accused have been released on bail by this Court; 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 co-accused has already been released on bail are not similarly circumstanced in as much as the petitioner has been identified in the T.I. parade and there has been recovery.

7. Learned counsel for the petitioner on instructions submits that the petitioner is the first offender. Hence his case may be considered liberally.

8. Taking into account that the period of custody 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.

9. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station on such date and time to be fixed by the learned Court in seisin over till conclusion of trial.

10. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity of similar nature. If it comes to the fore that the petitioner has any criminal antecedent of similar nature this order shall stand recalled.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge