

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6546 of 2022

Mantu Swain

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.10.2022

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.282 of 2021, pending in the Court of learned J.M.F.C., Sheragada, arising out of Sheragada P.S. Case No.217 of 2021 for commission of offence under Sections 509/354-A/307/506/452/326 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Aska, by order dated 07.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that since charge sheet has been filed in the meanwhile and the Petitioner is in custody since 30.06.2022, further continuance of the Petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the manner in which the assault has been made, the Petitioner ought not to be released on bail at this stage merely because charge sheet has been filed.

7. Learned counsel for the Petitioner, on instruction, submits that the victim has recovered and leading a normal life and that the Petitioner is the first offender.

8. Taking into account such submission of the learned counsel for the Petitioner, this Court directs the Petitioner to be released on bail by the learned Court in seisin over the matter.

9. Learned Court in seisin over the matter shall verify the criminal antecedents and also well being of the victim/injured. If it comes to the fore that the victim has not recovered or the Petitioner has any criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS