

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6827 of 2022

***Sonu Behera @ Akash @ Sanu
Behera***

Petitioner

Mr. S.P. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
23.09.2022**

Order No.

02.

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.3326 of 2022 pending in the file of learned S.D.J.M. Bhubaneswar, arising out of Nayapalli P.S. Case No.364 of 2022, offence under Sections 341/324/326/307/506/34 of IPC and is in custody since 31.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Vigilance, Bhubaneswar by order dated 15.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the State on the basis of recitals in the Case Diary submits, relying on the statement of the injured one Manoj Ku. Swain that overt act of assault is attributed to one Jaga who is not the petitioner before this Court.

6. Taking into account the specific overt act having been attributed to co-accused Jaga, 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.

7. Taking note of the concerned of the Learned Public Prosecutor this Court directs that While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

