

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6913 of 2022

Ashish Kumar Patra

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

10.08.2022

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 G.R. Case No.199 of 2022, on the files of learned J.M.F.C. Barbil arising out of Joda P.S. Case No.53 of 2022, under Sections 452/341/384/307/34 of IPC read with Section 25 of the Arms Act and is in custody since 29.03.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Champua, Keonjhar, by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that it is apparent that the learned Court below was swayed away by the submission of the prosecution that the petitioner has criminal

proclivity. It is stated that in the said case the petitioner has already been acquitted and the judgment of acquittal is placed on record.

6. It is further submitted that in the meanwhile investigation is concluded and charge sheet has been filed inter alia under Section 307 of the IPC. Hence further continuance of the petitioner is not warranted on the facts of the present case.

7. Learned counsel for the State opposes the prayer for bail keeping in view the criminal proclivity of the petitioner and also submitted that the manner in which the assault has taken place without any provocation, the petitioner is not entitled to be released on bail.

8. Perused the materials on record and considering the period of custody, 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 in the jurisdictional Police station once every week till the conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi