

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7093 of 2022

Pintu Sahu

....

Petitioner

Mr. S.K. Mahanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
05.09.2022

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 G.R. Case No.170 of 2022 pending in the file of learned JMFC, Kabisuryanagar arising out of Kabisuryanagar P.S. Case No.173 of 2022, offence under Sections 394 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Kodala, Ganjam by order dated 16.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that taking into account the manner of accusation and substantial progress in investigation 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 of recovery from the possession of the petitioner.

7. Admittedly, the materials so recovered were not put to identification.

8. The learned counsel for the petitioner further submits that the petitioner has no criminal proclivity and hence on suitable condition he may be released on bail.

9. Considering the nature of allegations and the stage of investigation, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter. 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.

10. It is further directed that the petitioner shall appear before the jurisdictional police station once every week till the submission final form.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi