

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7286 of 2022

***Prasanta Kumar Behera @
Prasant***

Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
08.12.2022**

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. None appears for the informant when the matter is called.
3. The petitioner is an accused in G.R. Case No.1804 of 2022, pending in the file of learned J.M.F.C. (R), Cuttack, arising out of Jagatpur P.S. Case No.298 of 2022, for commission of alleged offences under Sections 420 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Cuttack by order dated 26.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner is in custody since 14.07.2022 and as charge sheet has already been filed on 11.09.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the petitioner submits that primarily a civil dispute is being given a colour of criminality and petitioner has been arrayed as an accused.

7. It is stated with vehemence that there are no materials on record that the amounts as mentioned in the FIR has been actively received by the petitioner.

8. Hence, learned counsel for the petitioner seeks release.

9. Learned counsel for the State opposes the prayer for bail inter alia on the ground of criminal proclivity of the petitioner in as much as it is stated that the petitioner is involved in three other similar cases.

10. Taking into account the nature of dispute and 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.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge