

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7744 of 2022

Gopinath Mohanty @ Punia ***Petitioner***

Mr. A.P. Nayak, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
06.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. 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, offences under Sections 341/324/326/307/506/34 of IPC and is in custody since 31.05.2022.
3. 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.
4. 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.
5. 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.

6. Taking note of the concern of the Learned Public Prosecutor and keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin over the matter till conclusion of trial.

7. It is made clear that the order passed herein, shall not ennure to the benefit of the co-accused Jaga, whose bail application is to be considered on its own merits.

8. Accordingly, the BLAPL stands disposed of.

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

Santoshi

