

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7814 of 2022

Manish Kumar Yadav

....

Petitioner

Mr. A. Mohanty, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

30.08.2022

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 Raghunathpali P.S. Case No.164 of 2022 corresponding to G.R. Case No.1108 of 2022, pending in the Court of learned S.D.J.M., Panposh, Rourkela, under Section 395 of IPC.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Rourkela, by order dated 18.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that he has been falsely implicated in the case at hand and inasmuch as no T.I. Parade has been conducted in the case at hand and it is submitted that since substantial amount has to the tune of Rs.3,10,800/-(Rupees three lakh ten thousand eight hundred) having already been recovered out of Rs.4,77,000/-(Rupees four lakh

seventy seven thousand), as noticed from the order of rejection, there is no justification for further confinement of the petitioner in custody, more so when charge-sheet has already been filed.

6. Learned counsel for the State submits that charge-sheet has been filed on 31.07.2022, but opposes the prayer inter alia on the ground that there has been recovery from the petitioner so the plea of false implication cannot be countenanced.

7. Taking into account the submission of learned counsel for the petitioner and keeping in view the age of the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. While doing so learned Court shall verify the submission made at the Bar that the petitioner has no criminal proclivity.

9. In the event it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled without any further reference to the Court.

10. Additionally learned Court in seisin over the matter shall direct that the petitioner shall appear before the jurisdictional police station once every month till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha