

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7876 of 2022

Sisira @ Sisir Naik

....

Petitioner

Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.09.2022

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.738 of 2022, pending on the file of the learned JMFC, Banarpal, arising out of Banarpal P.S. Case No.253 of 2022, offences under Sections 294/323/307/506/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Angul, by order dated 03.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that he is in custody since 22.07.2022 and charge sheet has already been filed in the meanwhile, further continuance of the petitioner in custody is unwarranted.

6. It is submitted that the informant has in the meanwhile recovered and is attending to his daily chores.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the injury is grievous and the manner in which the same has been inflicted, the petitioner is ought not to be released at this stage.

8. Taking note of the filing of charge and the well being of the injured, as stated by the learned counsel for the petitioner and that he has no criminal proclivity, 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. 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. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi