

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8111 of 2022

Mitu @ Manoj Kumar Sahoo
& Another

Petitioners

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.12.2022

Order No.

03.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in G.R. Case No.503 of 2022, pending in the file of the learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S. Case No.120 of 2022, for commission of alleged offences under Section 395 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh, by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioners are in custody since 30.07.2022 and charge-sheet has already been filed, hence further continuance of the petitioners in custody is unwarranted.
5. Learned counsel for the State opposes the prayer for bail and submits that the manner in which the offence has been committed, the petitioners ought not to be released on bail, merely because charge-sheet has been filed.

6. Learned counsel for the petitioners, on instruction, submits that the petitioners do not have any criminal antecedents of similar nature.
7. Considering such submission and filing of charge-sheet, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.
8. Before releasing the petitioners, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioners have such criminal antecedent, this order shall stand recalled.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Ayesha

