

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8129 of 2022

Siba @ Pritiranjana Das @ Palai

Petitioner

Mr. K.K. Pahil, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.10.2022

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 C.T. Case No.1274 of 2022, pending in the file of learned S.D.J.M., Jajpur, Dist-Jajpur, arising out of Mangalpur P.S. Case No.330 of 2022, alleged commission of offence under Sections 341/294/323/307/506/34 of IPC and is in custody since 14.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the District & Sessions Judge, Jajpur by order dated 11.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. The final form submitted by the learned counsel for the petitioner is taken on record.

7. It is submitted by the learned counsel for the petitioner that petitioner is in custody since 14.07.2022 and as charge sheet has already been filed in the meanwhile, further continuance of the petitioner in custody is punitive.

8. Learned counsel for the petitioner submits the injury report of the victim. It is submitted that though the injuries are stated to be grievous in the meanwhile, the victim has been discharged and is leading a normal life and it is stated with vehemence that the petitioner is a first offender, hence his bail application be considered favourably.

9. Learned counsel for the State opposes the prayer for bail.

10. Considering the filing of charge sheet and that the petitioner is a first offender as stated, 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.

11. 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 stand recalled.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge