

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8150 of 2022

Minza @ Himanshu Bhoi

....

Petitioner

Mr. P.K. Kundu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

29.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Learned counsel for the Petitioner has filed a final form in Court today. The same is taken on record.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. The Petitioner is an accused in G.R. Case No.301 of 2022 pending in the file of learned J.M.F.C., Niali, arising out of Niali P.S. Case No.332 of 2022, for offence under Sections 294/323/307/506/34 IPC.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Addl. Sessions Judge, Cuttack by order dated 22.08.2022 in the aforementioned case, the present BLAPL has been filed.
6. Perused the order of rejection.

7. It is submitted by the learned counsel for the Petitioner that the charge sheet has been filed on 06.09.2022, inter alia under Section 307 IPC. On instruction, learned counsel for the Petitioner submits that the father of the informant has recovered from the injury sustained by him and leaving a normal life. It is stated that the Petitioner has no criminal proclivity. Hence, further continuance of the Petitioner in custody is unwarranted.

8. Considering the same, 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. Additionally, it is directed that before release of the Petitioner the Court in seisin over the matter shall verify the well being of the injured and criminal proclivity of the Petitioner. If it comes to the fore that the Petitioner has any criminal antecedent and the injured has not recovered, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS