

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8169 of 2022

John Hembram

....

Petitioner

Mr. S.R. Subudhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.09.2022

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 C.T. Case No.582 of 2022 pending in the file of learned J.M.F.C., Chandikhole, arising out of Dharmasala P.S. Case No.193 of 2022, for offence under Sections 457/394/307/506 IPC and is in custody since 29.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Jajpur by order dated 29.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the implication of the Petitioner was on the basis of the co-accused statement and since charge sheet has been filed on 20.08.2022, further continuance of the Petitioner in custody is unwarranted

more so when recovery of the stolen articles are not at the instance of the Petitioner and he has no criminal antecedents.

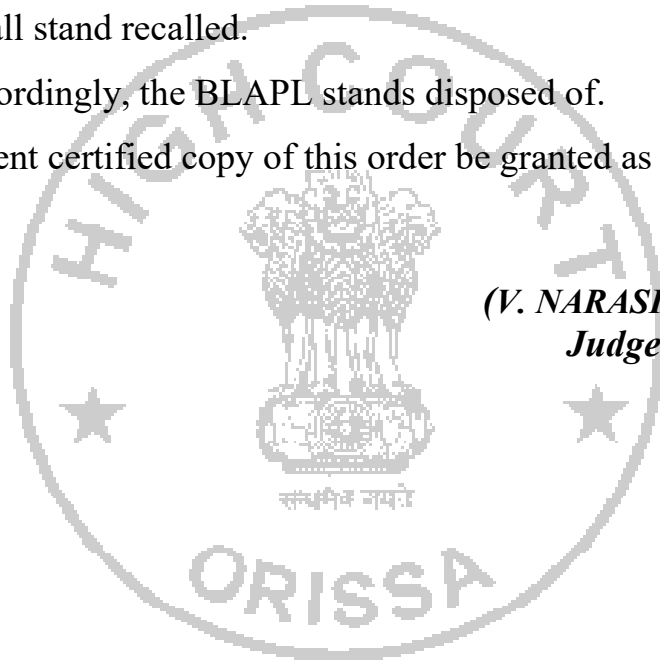
6. Taking into account the manner of accusation and since the recovery of the stolen articles are not at the instance of the Petitioner, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

7. While enlarging the Petitioner on bail the learned court below shall verify the assertion regarding his criminal proclivity. If it comes to the fore that the Petitioner has any criminal antecedent this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

PKS



(V. NARASINGH)
Judge