

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8367 of 2022

Hemanta Aghria @ Agharia

Petitioner

Mr. M.K. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.09.2022

Order No.

01.

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.390 of 2022, pending in the file of learned SDJM, Dharamgarh, arising out of Golamunda P.S. Case No.112 of 2022, offence under Sections 457/380 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Dharamgarh, Dist-Kalahandi by order dated 23.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner is in custody since 06.07.2022 and since charge sheet has been filed on 13.08.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the proceeds of the crime have yet to be recovered.

7. Taking into account the nature of allegations and filing of charge sheet and the petitioner is the 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.

8. 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi