

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8381 of 2022

***Dipu @ Jitu Mohapatra @ Ajit
Panigrahi @ Mohapatra***

Petitioner

Mr. S. Dash, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
26.10.2022**

Order No.

04.

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 connection with C.T. Case No.177 of 2021, pending in the file of the learned J.M.F.C.(R), Balasore, arising out of Balasore Sadar P.S. Case No.62 of 2021, for alleged commission of offences under Sections 341/323/325/457/380/307/427/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-P.O., Designated Court, OPID, Balasore, by order dated 26.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the occurrence took place on 21.02.2021 and the petitioner was taken into custody on 30.07.2022 and in the meanwhile as charge-

sheet has already been submitted, further continuance of the petitioner in custody is unwarranted as the injured one Rajesh Mohapatra who suffered grievous injury is since leading a normal life.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that keeping in view the manner in which the assault was made, the release of the petitioner at this stage would terrorize the victim and his family.

7. It is also submitted by the learned counsel for the petitioner on instruction that there is enmity between the parties for which the present case has been falsely foisted.

8. Taking into account the submission at the bar that the injured Rajesh Mohapatra has since recovered and attending his daily chores, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. While releasing the petitioners on bail, the learned court in seisin over the matter shall verify criminal antecedent of the petitioners. If it comes to the fore that the petitioners have any criminal antecedent, 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

Ayesha