

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8527 of 2022

Nepal Adjuad and another ***Petitioners***

Mr. A.K. Sahoo , Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

Mr. M.K. Mohapatro, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

01.

1. Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.
2. The petitioners are accused in connection with C.T. Case No.354 of 2022, pending in the Court of the learned S.D.J.M. Dharamgarh, arising out of Dharamgarh P.S. Case No.127, for commission of alleged offences under Sections 457/394 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Dharamgarh by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners are in custody since 10.06.2022 and charge sheet has already been filed on 14.10.2022 and keeping in view the recovery of Rs.31,00,000/- (Rupees Thirty One Lakh Only) out of the alleged theft of Rs.50,00,000/- (Rupees Fifty Lakh Only) , further continuance of the petitioner in custody is not warranted.

5. Learned counsel for the State and informant on instruction submits the amount was recovered from the present petitioners. Hence they cannot be equated with the co-accused who has since been released on bail and on the basis of which the petitioners are seeking release.

6. Taking into account the recoveries and the role ascribed to the present petitioners, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

7. Additionally, it is directed that the petitioners shall appear before the jurisdictional police station once every week on such date and time be fixed by the learned Court in seisin till submission of final form.

8. While enlarging the petitioners on bail the learned court below shall verify assertion regarding their criminal proclivity. If it comes to the fore that the petitioners have criminal antecedents of similar nature, this order shall stand recalled

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi