

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8548 of 2022

Tilu @ Tapana Mohanty

....

Petitioner

Mr. S. Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in G.R. Case No.771 of 2022 pending on the file of learned S.D.J.M., Athmallik, arising out of Handapa P.S. Case No.204 of 2022, for commission of offence under Sections 365/294/394 IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Addl. Sessions Judge, Athmallik by order dated 24.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 10.08.2022 and as charge sheet has been filed on 10.10.2022, he may be released on bail.

5. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the Petitioner has series of criminal antecedents of similar nature and graver implication.
6. It is further submitted by the learned counsel for the State that after being released on bail, the Petitioner is continuously involving himself in committing offences of similar nature. Hence, he ought not to be released on bail.
7. Taking into account the nature of allegation in the case at hand that he was only acting at the dictate of the co-accused who is a police officer and filing of the charge sheet, 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. Keeping in view the criminal proclivity, additionally it is directed that the Petitioner shall appear before the jurisdictional police station of the learned Court in seisin twice every week till conclusion of trial.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS