

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8666 of 2022

Papa @ Chinmay Panda

....

Petitioner

Mr. M. Mohanty, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. M. Mishra, ASC

Mr. B.P. Pradhan, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
09.12.2022

Order No.

05.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
2. The petitioner is an accused in connection with C.T. Case No.596 of 2022, pending in the Court of the learned S.D.J.M., Balasore, arising out of Sahadevkhunta P.S. Case No.204 of 2022, for alleged commission of offences under Sections 341/506/195-A/34 of IPC read with Section 25 of Arms Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Balasore, by order dated 02.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner has been remanded in the case on 02.07.2022 and since charge-sheet has already been filed, further continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the State as well as learned counsel for the informant relying on the statement of the victim/injured, submit that the manner in which the petitioner has threatened, he ought not to be released on bail merely because charge-sheet has been filed

6. To rebut such allegation, learned counsel for the petitioner submits that the son of the informant is a history sheeter, in as much as there are two cases under Section 302 of IPC, pending against him and he himself is an absconder. Hence, the allegation that the petitioner will threaten the mother of such an accused is highly improbable and the entire case has been cooked up only to see that the petitioner will not be released on bail.

7. It is apt to note here that this Court by order dated 13.09.2021 in ABLAPL No.11029 of 2021 granted interim bail to the petitioner in Sahadevkhunta P.S. Case No.345 of 2020, the same is still pending adjudication.

8. It is clearly borne out from the record that violating the trust reposed in him, the petitioner has indulged in commission of the present offence, in which he has been remanded.

9. It is also seen that the petitioner has series of cases about 30 including cases under Sections 302 & 307 of IPC.

10. Considering that the petitioner has misused the trust reposed in him and keeping in view his criminal proclivity, this Court is **not inclined** to entertain this bail application at this stage.

11. Registry is requested to de-tag the ABLAPL listed today.

12. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Ayesha