

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8682 of 2022

Sarifuddin @ S.K. Sarif

....

Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.09.2022

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 G.R. Case No.948 of 2022 pending in the file of learned J.M.F.C.(City), Cuttack, arising out of Badambadi P.S. Case No.212 of 2022, offence under Sections 395 of IPC and is in custody since 24.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Cuttack by order dated 02.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that there has been recovery of the amount involved that is Rs.4,000/- (Rupees Four Thousands only) has already been recovered and as there has been substantial progress in investigation, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State on the basis of the order of rejection submits that though cash and gold chain recovered as stated but as the petitioner has criminal antecedent, as evidence from the order of rejection, he ought not to be released on bail during the pending investigation.

7. Taking into account the nature of allegations and the recovery of cash and gold chain, 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 his criminal proclivity, this Court directs that one of the sureties shall be family member of the petitioner and he shall appear before the jurisdictional police station once every week till the conclusion of investigation.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi