

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8839 of 2022

Tapan Kumar Pradhan

....

Petitioner

Mr. J.M. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.09.2022

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 C.T. Case No.1352 of 2022 pending in the file of learned J.M.F.C., Chandikhol, arising out of Dharmasala P.S. Case No.485 of 2022, offence under Sections 457/380 of IPC forwarded U/s.120-B/457/380/465/471/109/201/34 of IPC read with Section 25 of Arms Act and is in custody since 02.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Asst. Sessions Judge, Chandikhol by order dated 08.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. The allegation against the present petitioner is that he sold ten numbers of activated Sim Card to the co-accused, utilizing the

same breaking upon the ATM machine the cash of Rs.5,67,500/-was looted.

7. It is submitted with vehemence by the learned counsel for the petitioner that offences are triable by Magistrate and since he has no criminal proclivity, his further continuance in custody is unwarranted.

8. Considering such submission of the learned counsel for the petitioner and keeping in view the age of the petitioner, 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.

9. Considering the residential address of the petitioner as given, it is directed that the petitioner shall appear before the IIC Khordha Police Station once a week till the conclusion of investigation.

10. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi