

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8845 of 2022

Gada Chatei

....

Petitioner

Mr. J. 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 G.R. Case No.617 of 2022 pending in the file of learned J.M.F.C., Khallikote, arising out of Rambha P.S. Case No.203 of 2022, offence under Sections 294/506/306/34 of IPC and in custody since 26.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for petitioner on instruction that charge sheet has already been filed on 21.07.2022. Hence keeping in view the nature of allegation, further continuance of the petitioner in custody is not warranted.

7. Copy of the final for submitted by the learned counsel for the petitioner is kept on record.

8. It is further submitted that the petitioner has no criminal proclivity.

9. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the allegations are quite serious and being over come by the insult, the son of the informant committed suicide. Hence merely because the petitioner is aged about 70 years, he does not deserve any sympathy.

10. Taking into account the submissions of the learned counsel for the petitioner that he has no criminal proclivity and considering the age of the petitioner and filing of charge sheet as noted, 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.

11. 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.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi