

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8878 of 2022

Dillip Kumar Bishi

....

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.09.2022

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.46 of 2022 further corresponds to C.T. Case No.65/2022, pending in the file of learned CJM-cum-Asst. Sessions Judge, Bargarh, arising out of Barpali P.S. Case No.47 of 2022, offence under Sections 307/506/325/34 of IPC and is in custody since 05.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Bargarh by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that injured has recovered in the meanwhile and leading a normal life. It is further submitted that there is a case and counter case.

6. Taking into account the nature of allegations and counter allegations, period of custody, filing of charge sheet on 22.05.2022 and keeping in view that the petitioner is the first offender, 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.

7. 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.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

