

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8926 of 2022

Dillip Kumar Nayak

....

Petitioner

Mr. A.P. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.10.2022

Order No.

06.

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.352 of 2022, pending in the file of learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S. Case No.83 of 2022, alleged commission of offence under Sections 457/380 of IPC and is in custody since 30.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh by order dated 19.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner has been remanded in the case at hand 30.06.2022 and as charge sheet has already been filed on 31.07.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has fifteen Criminal Antecedent of similar nature in the year 2022.

7. From the order of rejection it has comes to the fore that the consideration by the learned Court in seisin over the matter was during the course of investigation, this Court is **not inclined** to entertain this bail application at this stage.

8. It shall be open to the petitioner to move the learned Court in seisin over the matter after filing of charge sheet and same shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi