

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8930 of 2022

Sk. Raja @ Sk. Jaheer

....

Petitioner

Mr. P.R. Chhatoi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, 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 connection with T.R. Case No.329 of 2022, pending in the Court of learned District & Sessions Judge, Khordha, at-Bhubaneswar, arising out of Laxmisagar P.S. Case No.295 of 2022, for offences under Sections 376(3)/506 of IPC read with Sections 21(C)/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khurda, at-Bhubaneswar, by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Admittedly the consideration by the learned Court below was during the currency of investigation.
6. It is submitted that as the basis of implication is on account of co-accused statement and hence it is submitted by the learned

counsel that even when the charge-sheet has not been filed, this Court can take the same into account.

7. Since the matter was considered by the learned Court below before filing of charge-sheet, the contention of the learned counsel for the petitioner cannot be tested pending filing of the charge-sheet. Hence this Court is **not inclined** to consider the bail application at this stage.

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

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha

(V. NARASINGH)
Judge

