

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8984 of 2022

Pitabash Dash

....

Petitioner

Mr. S. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. None appears for the informant when the matter is called.
4. The petitioner is an accused in G.R. Case No.124 of 2022, pending in the file of learned J.M.F.C, Pattamundai arising out of Pattamundai P.S. Case No.124 of 2022, for alleged commission of offence under Sections 341/294/307/323/325/427/379 of IPC and is in custody since 13.07.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Asst. Sessions Judge, Pattamundai by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
6. It is submitted that since charge sheet has already been filed on 22.09.2022 and the injured-victim has recovered in the

meanwhile and is leading a normal life, further continuance of the petitioner in custody is not warranted and more so that the petitioner is the first offender.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the injuries being grievous in nature and considering the manner of assault, the petitioner ought not to be released on bail.

8. Considering that the injured has recovered in the meanwhile and is leading a normal life, 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. 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 criminal antecedents of any nature, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi