

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9020 of 2022

Kalia @ Rakesh Das

....

Petitioner

Mr. R.R.Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. None appears for the informant when the matter is called.
3. The petitioner is accused in G.R. Case No.2151 of 2022, pending on the file of the learned J.M.F.C.(R), Cuttack, arising out of Jagatpur P.S. No.348 of 2022, for commission of alleged offences under Sections 381/294/323/506/386/420/406 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Cuttack, by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner is in custody since 23.08.2022 and charge sheet has already been filed 13.09.2022 under Section 381/294/323/506/406 of IPC.
6. Copy of charge sheet filed by the learned counsel for the petitioner is taken on record.

7. It is submitted that since the petitioner is the first offender and taking into account the nature of allegations and punishment prescribed, further continuance of the petitioner in custody is punitive.

8. Learned counsel for the State opposes the prayer for bail relying on the statement of the complaint in view of the conduct of the petitioner threatening the complainant that unless the ransom is paid during face dire consequences and referring to his association with other co-accused.

9. On perusal of the charge sheet, it is seen that on conclusion of investigation only the petitioner has been cited as accused.

10. Taking into account the filing of charge sheet and that the petitioner is the first offender as stated, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

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 criminal antecedents of **any nature**, this order shall stand recalled.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi