

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9086 of 2022

Dolamani Salma @ Sada

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.11.2022

Order No.

02.

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 G.R. Case No.397 of 2022, pending in the Court of the learned S.D.J.M., Rairakhol, arising out of Charnal P.S. Case No.90 of 2022, for alleged commission of offences under Sections 395/412/120-B of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Rairakhol, by order dated 09.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 12.07.2022 and charge-sheet has been filed on 27.10.2022.

6. Learned counsel for the petitioner relies on the order passed by this Court by order dated 13.09.2022 in ABLAPL No.11051 of 2022 and submits that the petitioner is similarly circumstanced.

7. Learned counsel for the State opposes the prayer for bail inter alia on the basis of the recitals in the Case Diary and submits that there has been recovery of the stolen articles from the godown of the petitioner, hence the petitioner ex facie not similarly circumstanced. Hence, he ought not to be released on bail.

8. Taking into account filing of the charge-sheet and 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 Court in seisin over the matter.

9. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha