

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9318 of 2022

Bharat Neti

....

Petitioner

Mr. R.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.11.2022

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 G.R. Case No.77 of 2022, pending in the file of learned J.M.F.C., Biramitrapur arising out of Biramitrapur P.S. Case No.130 of 2022, for alleged commission of offence under Sections 468/420/471 of IPC and is in custody since 19.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Rourkela by order dated 26.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that even if the entire allegation is accepted at its face value, no case under Section 420/468 of IPC is made out.
6. It is further submitted by the learned counsel for the petitioner on instruction that petitioner is the first offender and as

charge sheet has already been filed, further continuance of the petitioner in custody is not warranted.

7. Taking into account the nature of allegations and that the petitioner is the first offender as submitted and keeping in view his age and period of custody, 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.

8. While enlarging the petitioner on bail, the learned court below shall examine as to whether the petitioner is the first offender, as stated. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi