

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9335 of 2022

Khageswar Jena

....

Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

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.779 of 2021, pending in the file of learned J.M.F.C., Salipur, arising out of Salipur P.S. Case No.282 of 2021, for alleged commission of offence under Sections 395 of IPC read with Section 25 & 27 of the Arms Act and is in custody since 13.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Salipur by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 13.07.2022 and as charge sheet has already been filed, he seeks release of the petitioner.
6. It is also submitted that because of his criminal proclivity the petitioner has been remanded in the case at hand.

7. Learned counsel for the State on the basis of Case Diary opposes the prayer for bail inter alia on the ground that since the petitioner has criminal antecedent of similar nature, he ought not to be released on bail merely because of filing of charge sheet.

8. It is submitted by the learned counsel for the petitioner that out of total amount of Rs.3,56,159 /- involved in the crime Rs.1,00,000/- has been recovered from the present petitioner. Hence, further continuance of the petitioner in custody is not warranted.

9. Considering the recovery as stated and filing of charge sheet, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time to be prescribed by the learned Court in seisin till submission of final form.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge