

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9412 of 2022

Hemanta Harijan

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

12.10.2022

Order No.

01.

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.70(A)/2019, pending in the Court of learned C.J.M-cum-Asst. Sessions Judge, Jeypore, Dist-Koraput in C.T. Case No.124 of 2022 arising out of Kotpad P.S. Case No.70 of 2019, for alleged commission of offences under Sections 395 of IPC and read with Section 25 of the Arms Act and is in custody since 06.01.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned C.J.M.-cum-Asst. Sessions Judge, Jeypore by order dated 19.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the basis of implication was on account of co-accused statement. It

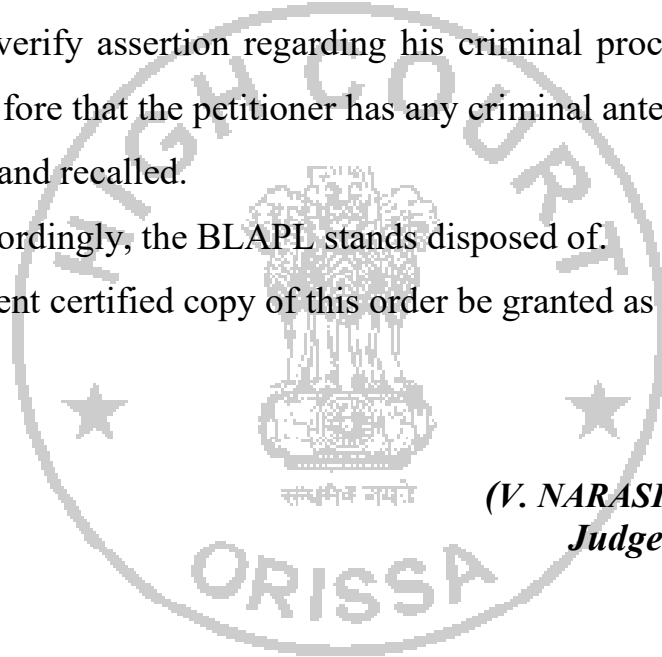
is further submitted that the said co-accused persons have been released on bail by order dated 22.01.2020 in BLAPL No.10913 of 2019 and it is stated that the petitioner is the first offender. Hence he seeks release of the petitioner on bail.

6. Taking into account the nature of allegations and the basis of implication and release of the co-accused, 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.

7. 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 any criminal antecedent this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge