

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9487 of 2022

Chintamani Naik

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Mr. P.K. Nayak, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
15.11.2022

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioner, learned counsel for the State and the learned counsel for the Informant.
 3. The Petitioner is an accused in G.R. Case No.1994 of 2022 pending on the file of learned S.D.J.M, Berhampur, arising out of Baidyanathpur P.S. Case No.291 of 2022, for commission of offence under Sections 147/148/326/324/307/506/149 IPC and Section 27 of the Arms Act.
 4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Berhampur 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 since no overt act is attributed to the Petitioner, his further continuance in custody is unwarranted.
6. Per contra, learned counsel for the State as well as learned counsel for the Informant submit that the victim is still undergoing treatment and in view of the criminal proclivity of the Petitioner, he ought not to be released on bail.
7. It is further submitted by the learned counsel for the State that the Petitioner is also involved in Baidyanathpur P.S Case No.96 of 2017 for commission of offence under Sections 386/387/506 IPC.
8. Taking into account that the injured has specifically attributed the overt act to one Tipu @ Sultan Behera, who is not the Petitioner in this bail application, 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.
9. Keeping in view the criminal proclivity, as stated, additionally, it is directed that the Petitioner shall appear before the jurisdictional police station of the learned Court in seisin once every week till submission of final form.
10. The BLAPL thus stands disposed of.
11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS