

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9578 of 2022

Ritesh Kumar & Another

....

Petitioners

Mr. A.K. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in connection with G.R. Case No.1359 of 2022, pending before in the file of the learned J.M.F.C. (I), Keonjhar, arising out of Keonjhar Town P.S. Case No.283 of 2022, for alleged commission of offences under Section 392/34 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Keonjhar, by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that the petitioners are in custody since 24.07.2022 and since charge-sheet has already been filed on 22.08.2022, further continuance of the petitioners in custody is unwarranted.

6. Learned counsel for the State on the basis of order of rejection passed by the learned Court below, submits that taking into account the criminal proclivity of the petitioners, they ought not to be released on bail.

7. It is also further stated that since the petitioners do not reside within the territorial jurisdiction of the Court in seisin, their attendance in the trial cannot be ensure.

8. Considering the nature of allegations and taking into account the filing of charge-sheet, this Court directs the petitioners to be released on bail. The learned Court in seisin over the matter to fix the terms so as to ensure the presence of the petitioners on each date of trial.

9. Additionally it is directed that one of the sureties shall be a local person and the petitioners shall appear before the jurisdictional police station once every fortnight till conclusion of trial, on such date and time to be specified by the learned Court in seisin over the matter. Certification of such appearance shall be submitted to the Court in seisin over the matter. Any default shall entail cancellation of bail.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha