

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9689 of 2022

Rabindra Senapati

....

Petitioner

Mr. G.M. Rath, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is accused in connection with G.R. Case No.599 of 2022, pending in the file of learned J.M.F.C., Aul, arising out of Rajkanika P.S. Case No.299 of 2022, for commission of offences under Sections 395/412 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Pattamundai, by order dated 27.09.2022 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 05.09.2022 and it is stated that even if the entire allegation of prosecution is accepted at its face value, the petitioner is liable under Section 412 of IPC.

6. It is further stated that since the gold ornaments involved in the offence have already been recovered and as investigation has progressed substantially, further continuance of the petitioner in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground of continuing investigation.

8. Considering the period of custody and stage of investigation and that the petitioner is the first offender, this Court directs the petitioner to be released on bail on such terms to fixed by the learned Court in seisin over the matter.

9. While releasing the petitioner on bail the learned court in seisin over the matter shall verify criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha