

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9874 of 2022

Ganesh Singh

....

Petitioner

Mr. S. Kanungo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

27.10.2022

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 G.R. Case No.1415 of 2019, pending in the file of learned J.M.F.C., Rural, Cuttack, arising out of Tangi P.S. Case No.154 of 2019, offence under Sections 420/465/466/467/468/471/47234 of IPC and is in custody since 28.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Cuttack by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is the case of the prosecution that the present petitioner was the driver of a truck bearing Registration No.-OR-01-H-4261 which was involved in an accident for which Tangi P.S. Case No.07 of 2009 was registered. It came to the fore during the proceeding

under the Motor Vehicles Act that the insurance certificate submitted by the petitioner since the vehicle was in the name of his wife Ramadevi Singh was forged one (of Reliance Insurance Company) and hence on the allegation of forging the documents of insurance, petitioner has been taken into custody on 28.09.2022.

6. Learned counsel for the petitioner submits that it is on record that the petitioner had obtained the certificate from an insurance agent and as such no motive can be attributed to him and in fact he is a victim of circumstances and it is also further stated that keeping in view his age and that he has to undergo surgical procedure as noted in the rejection order, he may be released on bail.

7. Learned counsel for the State opposes the prayer for bail on the basis of order of rejection.

8. Considering that the allegations as made in the case at hand are more or less based on documentary evidence and taking into account the age of the petitioner and his health condition as noted, 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. Additionally it is directed that the petitioner shall appear before the Investigating Officer as and when summoned.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge