

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9885 of 2022

Bholanath Swain

....

Petitioner

Mr. S.S. Ray 2, 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.1285 of 2022, pending in the file of learned S.D.J.M., Bhanjanagar, arising out of Gangapur P.S. Case No.370 of 2022, offence under Sections 392/398/394/427/294/506/34 of IPC read with Section 25(1-B)/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 Additional Sessions Judge, Bhanjanagar by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioner that the petitioner has been implicated in the case at hand on the basis of statement of the co-accused and he has been taken into custody only

on account of his criminal proclivity. It is also stated that the petitioner is in custody since 05.09.2022; his further continuance in custody is unwarranted

7. Learned counsel for the State on the basis of the order of rejection opposes the prayer for bail inter alia on the ground that the motor cycle which was used in the crime was seized from the possession of the present accused and keeping in view his criminal antecedent he ought not be released on bail during the currency of investigation.

8. Keeping in view the basis of implication in the case at hand and considering the progress in the investigation, 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 twice every week till submission of final form. First date and time of such appearance shall be fixed by the learned Court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge