

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9898 of 2022

Biranchi Juanga

....

Petitioner

Mr. S.S. Parida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.11.2022

Order No.

02.

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.1755 of 2022 pending on the file of learned S.D.J.M., Keonjhar, arising out of Daitari P.S. Case No.73 of 2022, for commission of offence under Sections 341/457/294/323 IPC.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Addl. Sessions Judge-cum-Special Judge (Vig.), Keonjhar by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the Petitioner is in custody since 14.09.2022 and charge sheet has been filed on 30.09.2022. On instruction, he further submits that in the meanwhile the injured–Budun Lohar has recovered and leading a

normal life. Hence, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the victim is a lady of about 60 years. The manner in which she was assaulted, merely because charge sheet has been filed, the Petitioner ought not to be released on bail.

7. Taking into account the submission that the victim has recovered and leading a normal life, 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.

8. Before releasing, the learned Court in seisin shall verify the health condition of the injured and if it comes to the fore that she has not recovered, as stated, this order shall stand recalled.

9. Additionally, learned Court in seisin shall verify the criminal antecedents of similar nature. If the Petitioner has such criminal antecedent, this order shall not be given effect to.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS