

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9959 of 2022

Ajay Behera

....

Petitioner

Mr. D.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

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.1458 of 2022 pending on the file of learned S.D.J.M., Keonjhar, arising out of Keonjhar Sadar P.S. Case No.309 of 2022, for commission of the alleged offence under Section 394 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Keonjhar by order dated 15.09.2022 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 08.08.2022 and as in the meanwhile charge sheet has been filed, his further continuance in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail relying on the statement of the witness-Chandan Kumar Mohakud and it is stated that the same clearly points to the complicity of the Petitioner and merely because charge sheet has been filed, the Petitioner ought not to be released on bail at this stage.

7. Considering the period of custody and filing of the charge sheet, 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. Learned Court in seisin over the matter shall verify the criminal antecedents. If it comes to the fore that the Petitioner has any criminal antecedent, this order shall stand recalled.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS

