

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9999 of 2022

Prafulla Kumar Jena

....

Petitioner

Mr. S.R. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
31.10.2022

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.293 of 2022 pending in the file of learned S.D.J.M (S), Cuttack, arising out of Bidanasi P.S. Case No.41 of 2022, offence under Sections 457/380/34 IPC and is in custody since 11.05.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Cuttack by order dated 28.09.2022 in the aforementioned case, the present BLAPL has been filed.
6. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody in Kendrapara Sadar P.S. Case No.157 of 2022 dated 1.5.2022. The implication of the Petitioner in the said case was on account of the statement of the co-accused, namely, Meheboob

Khan. He further submitted that the Petitioner has since been released on bail by this Court in the said case. It is stated by the learned counsel for the Petitioner that the Petitioner is implicated only on account of criminal proclivity. Hence, taking into account the nature of allegation, his further continuance in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail of the Petitioner, inter alia, on the ground that the Petitioner has 10 criminal antecedents of similar nature. Hence, the Petitioner ought not to be released on bail notwithstanding the filing of the charge sheet.

8. Taking into account the manner of implication of the Petitioner and his release in the case in which he was taken into custody, as noted above, 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. Additionally it is directed that the Petitioner shall appear before the I.I.C., Kendrapara twice every week till 01.12.2022 and such appearance of the Petitioner shall be certified to the jurisdictional court.

9. Needless to say that any default of appearance of the Petitioner as directed shall entail cancellation of bail without further reference to the Court and it shall be open to the I.O to move the learned court in seisin over the matter for cancellation of bail.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha