

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10038 of 2022

Prafulla Kumar Jena

....

Petitioner

Mr. S. R. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, 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.294 of 2022, pending in the file of learned S.D.J.M.(S), Cuttack, arising out of Bidanasi P.S. Case No.42 of 2022, for alleged commission of offence under Sections 457/380/34 of IPC and is in custody since 09.05.2022.
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 submitted 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, more so when charge sheet has been filed.

6. 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.

7. 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.O. twice every week till conclusion of trial on such date and time to be fixed by the Court in seisin and such appearance shall be certified to the jurisdictional court.

8. 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi