

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10123 of 2022

Sumanta Naik

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

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 connection with G.R. Case No.204 of 2022, pending in the Court of the learned S.D.J.M., Hindol, arising out of Rasol P.S. Case No.80 of 2022, for alleged commission of offences under Sections 395/412 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Hindol, by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner though FIR was filed under various Sections of IPC including Section 395 of IPC and Section 3 of Public Property (Prevention of Damage) Act, 1985, after investigation charge-sheet has been filed under Sections 395/412 of IPC.

6. It is stated that the petitioner is in custody since 06.04.2022 and charge-sheet having been filed on 02.08.2022 and the release of the co-accused by this Court by order dated 13.10.2022 in BLAPL No.8659 of 2022, further continuance of the petitioner in custody is not warranted.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has number of criminal antecedents.

8. Learned counsel for the petitioner on instruction submits that the cases in which the petitioner involved are all under Section 379 of IPC and in all the cases he has since been released on bail and it is further submitted with vehemence that in the case at hand because of his criminal proclivity, he has been arrayed as an accused.

9. Considering the release of the co-accused and filing of 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.

10. Considering the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial. The date and time of appearance to be fixed by the learned Court in seisin over the matter.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha