

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10156 of 2022

Gopinath Maharana

....

Petitioner

Mr. A.P. Bose, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
06.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with C.T. Case No.300 of 2022, pending in the Court of learned Sessions Judge, Baripada, Mayurbhanj, arising out of Baripada Sadar P.S. Case No.28 dated 13.02.2022, for alleged commission of offences under Section 394 of IPC read with Section 25 of Arms Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Mayurbhanj, Baripada, by order dated 27.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 13.02.2022 and since charge-sheet has already been filed, further continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the State on the basis of the recitals in the Case Diary submits that not only the petitioner has criminal antecedents but there has been recovery of the weapon of offence at the instance of the petitioner under Section 27 of the Evidence Act. Hence, the petitioner ought not to be released as because of his criminal proclivity is likely to threaten the witnesses.

6. Considering the period of custody and filing of charge-sheet as noted, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station twice every week on such date and time to be fixed by the learned Court in seisin over the matter till conclusion of trial.

8. Accordingly, the BLAPL stands disposed of.

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

Ayesha

(V. NARASINGH)
Judge