

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10187 of 2022

Jaga @ Sanjib Kumar Sahoo

Petitioner

Mr. P.S. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
03.11.2022

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 G.R. Case No.617 of 2022, pending in the file of learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S. Case No.149 of 2022, for alleged commission of offence under Sections 379/411/34 of IPC and is in custody since 10.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Nayagarh, by order dated 11.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that petitioner is in custody since 10.09.2022, hence further incarceration of the petitioner is uncalled for.

6. Learned counsel for the State on the basis of recitals in the rejection order submits that as admittedly stolen motor vehicles have been seized from the petitioner in terms of his statement under Section 27 of the Evidence Act and prima facie there is materials to connect the petitioner with the offences, his bail application is ought to be rejected at this stage.

7. Considering the nature of allegations and the punishment prescribed and as the petitioner is stated to be a first offender, 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. Additionally it is directed that the petitioner shall appear before the Investigating Officer on such date and time fixed by the learned Court in seisin over the matter.

9. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi