

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10226 of 2022

Satya Prakash Guru

....

Petitioner

Mr. B.N. Satapathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
08.12.2022

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.124 of 2022 pending on the file of the learned Addl. District and Sessions Judge, Kujang, arising out of Kujang P.S. Case No.210 of 2022 for commission of the offence under Section 397 IPC.

3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. District and Sessions Judge, Kujang by order dated 05.10.2022, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the Petitioner is in custody since 02.06.2022 and as charge sheet has been filed since 01.08.2022, his further continuance in custody is not warranted.

5. Learned counsel for the Petitioner further submits that the co-accused Ranjan Kumar Nayak has already been released on bail

by the learned Court in seisin. Hence, he seeks release on bail on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail on the ground that the Petitioner has criminal antecedent and so far as overt act is concerned, there has been recovery of weapon of offence at his instance in terms of the statement recorded under Section 27 of the Evidence Act. Therefore, he ought not to be released on bail merely because charge sheet has been filed.

7. Considering the period of custody and filing of the charge sheet and that the victim has recovered and resumed his normal duties, 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 before releasing the Petitioner on bail, learned Court below shall verify whether victim has recovered as stated and condition be imposed keeping in view the criminal proclivity of the Petitioner.

9. If the learned Court in seisin finds that the victim has not recovered, this order shall stand recalled without further reference to the Bench.

10. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS