

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10275 of 2022

Sunny Dabas

....

Petitioner

Mr. B.K. Das, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Nayak, learned senior counsel instructed by Mr. B.K. Das, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with G.R. Case No.47 of 2022, pending in the Court of the learned J.M.F.C., Mohana, arising out of Mohana P.S. Case No.33 of 2022, for alleged commission of offences under Section 302 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Gajapati, Paralakhemundi, by order dated 09.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the final form in the case at hand was filed on 12.08.2022.

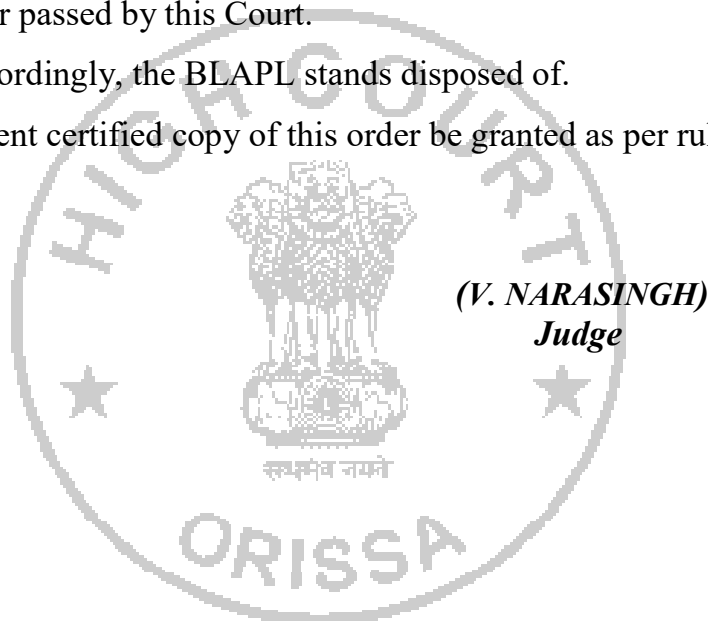
6. On perusal of the order of rejection passed by the learned Sessions Judge, it is seen that the same was passed on 09.08.2022, before the filing of charge-sheet. Since the rejection was during currency of the investigation, in fitness of things, this Court is of the considered opinion that the case at hand has to be examined afresh on account of the recitals in the charge-sheet.

7. It shall be open to the petitioner to move the learned Court in seisin over the matter post charge-sheet, which shall be considered on its own merit without being influenced by the earlier order or order passed by this Court.

8. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge