

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10377 of 2022

Prakash Majhi

....

Petitioner

Mr. P.K. Khuntia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

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 Special G.R. Case No.162 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Sundargarh, arising out of Bargaon P.S. Case No.135 of 2022, for commission of the offence under Sections 341/294/323/302/34 IPC and Section 3(1)(r)(s)/3(2)(v)(va) of the SC & ST (PoA) Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Sundargarh by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is on record that the charge sheet has been filed on 29.08.2022 and the consideration by the learned Court in seisin over the matter was on 17.08.2022.

6. Taking into account the same, this Court is not persuaded to consider this bail application since the learned Court in seisin had applied its mind before filing of the charge sheet.

7. In view of the same, the Petitioner is permitted to move the learned Court in seisin over the matter afresh who shall consider the same on its own merit without being influenced by the earlier rejection or the order passed by this Court.

8. Accordingly, the BLAPL stands disposed of.

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

PKS



(V. NARASINGH)
Judge