

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10415 of 2022

Abhijit Das

....

Petitioner

Mr. L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, 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 C.T. Case No.1143 of 2022, pending in the file of learned J.M.F.C., Chandikhol, arising out of Dharmasala P.S. Case No.419 of 2022, for alleged commission of offence under Sections 420/506 and 34 of IPC and is in custody since 15.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Chandikhole 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 the petitioner is in custody since 15.09.2022 and as charge sheet has already been filed on 30.09.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail.
7. Learned counsel for the petitioner has placed on record a copy of the charge sheet. On perusal of the same, it is seen that since the petitioner could not comply with the conditions in terms of Section 41-A Cr.P.C. in terms of the judgment of apex Court in the case of *Arnesh Kumar v. State of Bihar* reported in (2014) 8 SCC 273, he was taken into custody.
8. Considering the nature of allegations, the punishment prescribed and the period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by learned Court in seisin over the matter before the learned Court in seisin.
9. Additionally, it is directed that the petitioner shall furnish property security to the tune of Rs.1 lakh.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge