

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10468 of 2022

Arjuna Behera

....

Petitioner

Mr. P.K. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.701 of 2022, pending in the Court of the learned S.D.J.M., Athamallik, arising out of Athamallik P.S. Case No.161 of 2022, for commission of alleged offences under Sections 366/370//376(2)(n)/506/368/109/34 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Athmallik, by order dated 23.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 24.07.2022 and since charge-sheet has been filed on 17.09.2022, further continuance of the petitioner in custody is unwarranted.
5. Learned counsel for the petitioner places on record the 164 Cr.P.C. statement of the victim.

6. On perusal of the same, it is seen that the allegation is omnibus in nature but so far as physical abuse is concerned, it is against one Debi Lodhi.

7. Taking into account the 164 Cr.P.C. statement of the victim and filing of charge-sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha

