

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10526 of 2022

Hemanta Harijan

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with G.R. Case No.70(A)/2019, pending in the file of learned C.J.M-cum-Assistant Sessions Judge, Jeypore in C.T. Case No.124 of 2022, arising out of Kotpad P.S. Case No.70 of 2019, for commission of offences under Section 395 of IPC read with Section 25 of Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned C.J.M-cum-Assistant Sessions Judge, Jeypore, by order dated 20.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner was granted bail by this Court by order dated 12.10.2022 in BLAPL No.9214 of 2022 and it was directed that before releasing, his criminal proclivity to be ascertained.

6. Taking into account that the petitioner was an accused in Borigumma P.S. Case No.119 dated 12.08.2019 under Sections 399/402 of IPC (G.R. Case No.596 of 2019), learned Assistant Sessions Judge, has rejected the bail application.

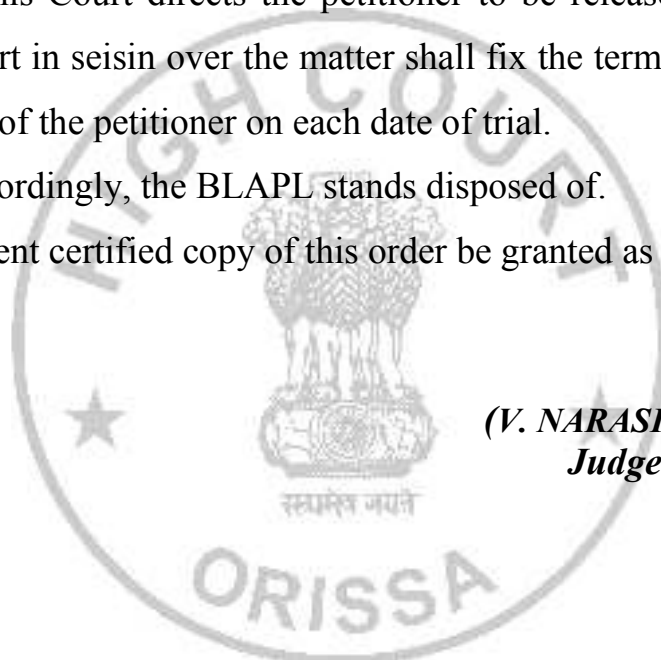
7. It is submitted by the learned counsel for the petitioner that taking into account the period of custody and the release of the co-accused in the meanwhile, further incarceration of the petitioner is unwarranted.

8. Taking into account that the criminal antecedent is of the year 2019, this Court directs the petitioner to be released on bail. Learned Court in seisin over the matter shall fix the terms to ensure the presence of the petitioner on each date of trial.

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge