

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10547 of 2022

Raghunath Kumbhar

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.11.2022

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 accused in G.R Case No.961 of 2021 pending on the file of learned J.M.F.C., Jeypore, arising out of Jeypore Town P.S. Case No.274 of 2021, for commission of offence under Sections 457/380 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Jeypore by order dated 15.09.2022 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 23.12.2021 and since charge sheet has been filed in the meanwhile, his further continuance in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail relying on the order of rejection more particularly the Petitioner has criminal antecedent and merely because charge sheet has been filed, his release will affect the impending trial.

7. Taking into account the period of custody, nature of allegation, the punishment prescribed 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 over the matter.

8. Keeping in view the criminal proclivity, additionally, it is directed that the Petitioner shall appear before the jurisdictional police station twice every week till conclusion of trial. The date and time to be fixed by the learned Court in seisin over the matter. Certification of such appearance shall be submitted to the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS