

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10726 of 2022

Mithun Naik

....

Petitioner

Mr. G.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.11.2022

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 G.R. Case No.1285 of 2022, pending in the file of learned S.D.J.M., Bhanjanagar, arising out of Gangapur P.S. Case No.370 of 2022, for commission of alleged offences under Sections 392/398/394/427/294/506/34 of IPC read with Section 25/27 of the Arms Act and is in custody since 30.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the Additional Sessions Judge, Bhanjanagar by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the Petitioner is in custody since 30.08.2022 and as the charge sheet has been filed

on 31.10.2022, his further continuance in custody is unwarranted. It is also submitted that the Petitioner is the similarly circumstanced with one Bholanath Swain and Rakesh Bisoyi, who have since been released on bail by order dated 27.10.2022 in BLAPL No.9885 of 2022 and order dated 04.11.2022 in BLAPL No.10199 of 2022 respectively. Leaned counsel for the Petitioner further submits that the Petitioner is the first offenders.

6. Learned counsel for the State opposes the prayer for bail of the Petitioner since there are materials on record to show that country made fire arm has been recovered from the Petitioner.

7. Taking into account the filing of the charge sheet and release of the co-accused, 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. Learned Court in seisin over the matter shall verify the criminal antecedents of similar nature. If it comes to the fore that the Petitioner has any 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