

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10768 of 2022

Hemanta Kharsel

....

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

24.11.2022

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 connection with C.T. Case No.282 of 2022, pending in the Court of the learned District and S.D.J.M., Bargarh, arising out of Ambabhana P.S. Case No.39 of 2022, for alleged commission of offences under Section 395 of IPC.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bargarh, by order dated 17.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that in the meanwhile final form has been submitted on 20.07.2022 under Section 395 of IPC.
6. The final form is taken on record.

7. It is submitted by the learned counsel for the petitioner that the co-accused has been released on bail by this Court by order dated 22.09.2022 in BLAPL No.4844 of 2022, hence inter alia on the ground of parity, the petitioner seeks release.

8. Learned counsel for the State opposes the prayer for bail on the ground that the petitioner has criminal antecedents and admittedly further amount of Rs.1,20,000/-(Rupees one lakh twenty thousand) is yet to be recovered out of total amount of Rs.3,00,000/-(Rupees three lakhs).

9. Considering the release of the co-accused and recovery of substantial amount and submission of final form as noted, 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.

10. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week till submission of final form.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha