

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10836 of 2022

Abinash Naik @ Bapun

....

Petitioner

Mr. R.R. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

20.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with G.R. Case No.322 of 2022, pending before the learned S.D.J.M., Champua, arising out of Jhumpura P.S. Case No.105 of 2022, for alleged commission of offences under Sections 292/506/507/509/498-A/34 of IPC and Section 6 of Indecent Representation of Women (Prohibition) Act and Section 67 of I.T. Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Champua, by order dated 28.09.2022 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 16.09.2022 and on instruction, learned counsel for the petitioner submits that charge-sheet has already been filed and

that the petitioner is the first offender, hence his further continuance in custody is unwarranted.

5. Taking into account the nature of allegations and considering that charge-sheet has already been filed, as stated, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

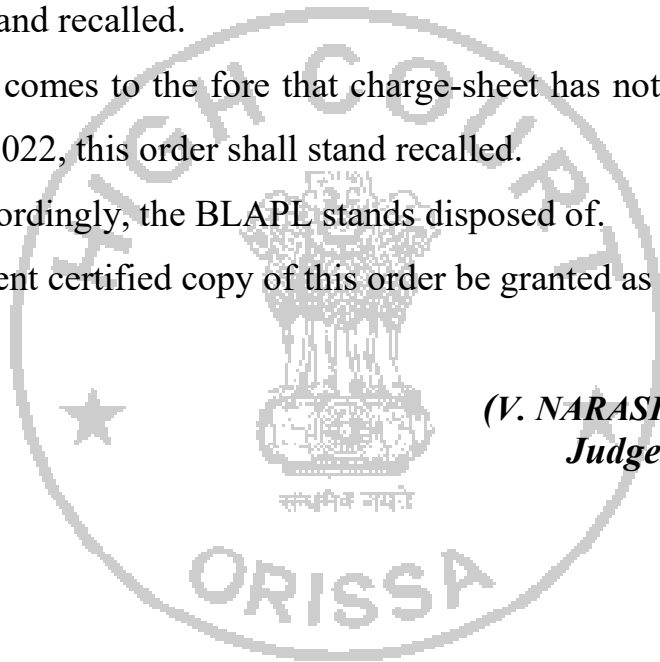
6. Before releasing the petitioner, learned Court in seisin is called upon to verify the criminal antecedent. If it comes to the fore that the petitioner **has criminal antecedent of similar nature**, this order shall stand recalled.

7. If it comes to the fore that charge-sheet has not been filed as on 20.12.2022, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge