

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10885 of 2022

Ganesh Banchhor

....

Petitioner

Mr. S.K. Joshi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

01.

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

2. The Petitioner is an accused in G.R. Case No.833 of 2021 pending on the file of learned S.D.J.M., Patnagarh, arising out of Belpada P.S. Case No.218 of 2021, for commission of the offence alleged under Sections 457/380 IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Patnagarh by order dated 19.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is the second journey of the Petitioner to this Court. Earlier the Petitioner along others had moved the bail application and his application was rejected by order dated 29.08.2022 in BLAPL No.7672 of 2022 while allowing the same in respect of other three co-accused persons.

5. It is submitted by the learned counsel, on instruction, that the Petitioner is in custody since 09.06.2022 and charge sheet has been filed on 06.10.2022 and taking into account the nature of allegation and the punishment prescribed, his further continuance in custody is not warranted.

6. Learned counsel for the State places on record the order of rejection opposes the prayer for bail, inter alia, on the ground that admittedly the Petitioner has criminal antecedent. Hence, he ought not to be released on bail at this stage more particularly final form has been submitted.

7. Considering the period of custody and filing of the 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. Taking into account the criminal proclivity, additionally it is directed that the Petitioner shall appear before the jurisdictional police station once 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