

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11010 of 2022

Mahendra Mallik

....

Petitioner

Mr. P. Panigrahi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

07.12.2022

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.414 of 2022, pending in the file of learned J.M.F.C., Bhuban, arising out of Bhuban P.S. Case No.435 of 2022, for commission of alleged offences under Sections 294/186/353/379 of IPC along with Section 51(1)(i) of the Odisha Mineral (Prevention and Theft Smuggling and illegal Mining and Regulation of Possession, storage and Transportation) Rules 2007 and Section 177 of the M.V. Act and is in custody since 28.10.2022.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Kamakhyanagar by order dated 01.11.2022 in the aforementioned case, the present BLAPL has been filed.

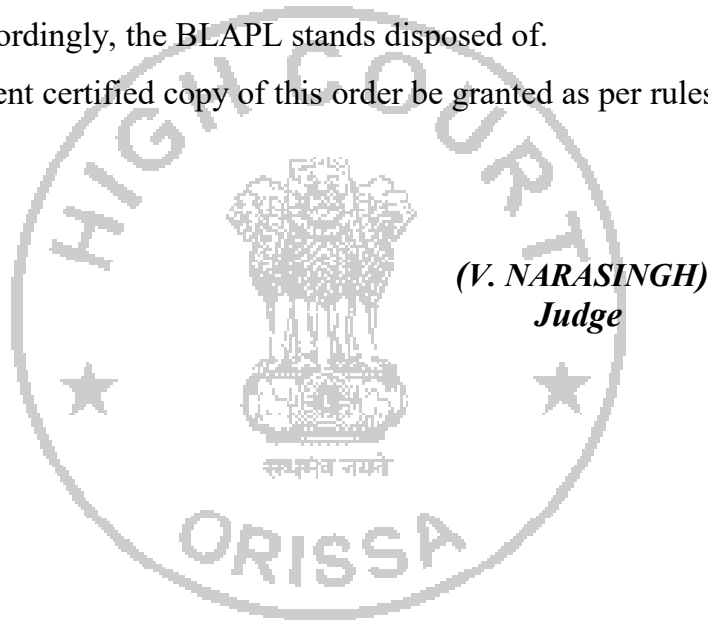
4. It is submitted by the learned counsel that the petitioner is in custody since 28.10.2022 and he is a first offender.

5. Taking into account the nature of allegations and period of custody and he being a first offender, 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.

6. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, this order shall stand recalled without any further reference to this Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of this order be granted as per rules.



Santoshi