

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11079 of 2022

Santosh Majhi

....

Petitioner

Mr. A.K. Pradhan, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

01.

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

2. The petitioner is an accused in connection with G.R. Case No.82 of 2022, pending before the learned J.M.F.C., Jagannath Prasad, arising out of Jagannath Prasad P.S. Case No.356 of 2022, for alleged commission of offences under Sections 341/294/326/427/506/34 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhanjanagar, 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 27.09.2022 and the incident happened on the spur of the moment without any premeditation.

5. Taking into account the background in which the offence has been committed and the injury suffered though by lady but not

being on vital part, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

6. Learned counsel for the petitioner files a memo indicating therein that the petitioner does not have any criminal antecedent.

7. Before releasing the petitioner, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha

