

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11487 of 2022

Iswar Mahalik

.... Petitioner
Sk. Zafarulla, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.12.2022

Order No.

01. 1. Heard learned counsel for the respective parties.
2. Instant petition under Section 439 Cr.P.C. is filed by the petitioner for release on bail in connection with C.T. Case No.94 of 2020 arising out of Nilagiri P.S. Case No.68 of 2020 pending in the file of learned S.D.J.M., Nilagiri.
3. Perused the copy of the FIR as at Annexure-1 and copy of the rejection order as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner is in jail custody from 3rd August, 2022 on remand and fairly concedes that there are number of criminal antecedents. However it is submitted that there has been no recovery from the petitioner and he has been implicated on the strength of confessional statement of the co-accused who is already on bail. Accordingly, the petitioner should be enlarged on bail which is opposed to by learned counsel for the State on the ground that he is

involved in 47 criminal cases as is revealed from rejection order at present.

5. Petitioner was in custody in another case and thereafter he was remanded in the present case from 3rd August, 2022 he is in jail custody notwithstanding the fact that no criminal antecedents has been seized from the custody of the petitioner, therefore his complexity has been shown on the basis of the admission of the co-accused persons, the petitioner should be enlarged on bail with the conditions as would be fixed by this Court.

6. The FIR is unknown as it appears from the Annexure-1 and the co-accused has been granted bail in the meantime and no recovery is shown against the petitioner and is in judicial custody before whom he has been remanded in the present case.

7. Having regard to the facts and submission of the respective parties, the Court is of the view that with the stringent conditions the petitioner should be released on bail as in the meantime investigation has been completed and chargesheet has been filed.

8. Accordingly, it is ordered.

9. Consequently, the BLAPL stands allowed with a direction to be released on bail in connection with C.T. Case No.94 of 2020 arising out of Nilagiri P.S. Case No.68 of 2020 pending in the file of learned S.D.J.M., Nilagiri subject to constitutions as would be fixed by the learned court below.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge