

(2023) 09 OHC CK 0147
In the Orissa High Court
Case No : Bail Application No. 10301 Of 2023

L. Akhil @ L. Udaya And Another

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 21-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 379, 394, 413

Citation : (2023) 09 OHC CK 0147

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A. Mishra, H.K Panigrahi

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are accused in connection with G.R. Case No.469 of 2023, pending before the Court of the learned S.D.J.M., Jeypore, arising out of Jeypore Town P.S. Case No.127 of 2023, for commission of the alleged offence under Section 379/413/34 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Addl. Dist. & Sessions Judge-Cum-Special Judge, Vigilance by order dated 29.08.2023 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioners are in custody since 08.07.2023 on the allegation of committing theft of motorcycle and as charge sheet has already been filed on 30.07.2023, further continuance of the Petitioners in custody is unwarranted.
5. Learned counsel for the State opposes the prayer in view of criminal antecedents, which is also borne out from the order of rejection are extracted

hereunder.

"Jeypore town P.S. case No. 173 dated 10.06.2023, U/s 379 IPC, Jeypore Sadar P.S. case no. 127 of 2023, under Section 394 of the IPC, Jeypore Sadar P.S. case no. 201, dated 08.07.2023 U/s 379 IPC, Kundura P.S. case No. 63 dated 08.07.2023 U/s 457/380 IPC, Nagarnar P.S. case No. 166 dated 01.09.2022(Chhattisgarh state) U/S 379 IPC and Jeypore town P.S. case No. 196 dated 09.07.2023 U/s 379 IPC."

6. Taking into account the filing of charge sheet, period in custody, punishment prescribed notwithstanding the criminal antecedents, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter with the fervent hope that they would mend their ways

7. Additionally, it is directed that the Petitioners shall appear before the jurisdictional police station once every month on such date and time to be fixed by the learned Court in seisin till the conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.

8. It is further directed that one of the family members of the Petitioners shall execute a P.R bond in addition to the sureties in terms of the order of the learned Court in seisin.

9. Accordingly, the BLAPL stands disposed of.

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

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