

(2023) 09 OHC CK 0031

In the Orissa High Court

Case No : Bail Application No. 7090 Of 2023

Nepali @ Padmanav Malik @ Padmalava Malik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 04-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 294, 307, 324, 354, 452, 506

Citation : (2023) 09 OHC CK 0031

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A. Pattanaik, S. Mishra

Final Decision : Disposed Of

Judgement

V. Narasingh, J

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.655 of 2023, pending before the Court of the learned J.M.F.C., Pattamundai, arising out of Pattamundai P.S. Case No.308 of 2023 for alleged commission of offences under Sections 294/ 324/ 307/ 354/ 307/ 452/ 506 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Asst. Sessions Judge, Pattamundai by order dated 13.06.2023 is the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 13.05.2023 for cause of injury to Pravat Kumar Malik.
5. It is submitted by the learned counsel that charge sheet has already been filed on 09.07.2023 and the Petitioner has criminal antecedent that is Patamundai P.S. Case No.614 of 2021, which is not similar kind of offence.

6. Learned counsel for the State on instruction submits that in the meanwhile injured has recovered and opposes the prayer for bail.

7. Taking into account the health condition of the injured and criminal antecedent as noted, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Before releasing the Petitioner, learned Court in seisin is requested to verify as to whether the Petitioner has any other criminal antecedent than one noted hereinabove. If it comes to fore that such submission is found to be incorrect, this order shall stands recalled.

9. Additionally, it is directed that the Petitioners shall appear before the jurisdictional police station once a month on such date and time to be fixed by the learned Court in seisin till submission of final form. Certification of such appearance shall be submitted to the Court in seisin.

10. It is directed that the Petitioner shall not threaten the victim/informant and his family members and it shall be open to the victim to seek variance of this order in the event there is any threat perception.

11. Accordingly, the BLAPL stands disposed of.

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

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