

(2023) 09 OHC CK 0196
In the Orissa High Court
Case No : Bail Application No. 9486 Of 2023

Surya Narayan Biswal

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 27-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 392

Citation : (2023) 09 OHC CK 0196

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : D.R. Mishra, H.K. Panigrahi

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 C.T. Case No.258 of 2023, pending on the file of the learned S.D.J.M., Boudh, arising out of Boudh P.S. Case No.264 of 2023, for alleged commission of offences under Section 392 of IPC
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Boudh, by order dated 05.08.2023 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 24.07.2023 and as charge sheet has been filed on 25.08.2023, further continuance of the petitioner in custody is unwarranted.
5. It is submitted by the learned counsel for the petitioner that the petitioner is the first offender.
6. Learned counsel for the State opposes the prayer for bail.

7. Taking into account the nature of allegation and filing of the charge sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Additionally, it is directed that the petitioner 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 conclusion of trial. Certification of such appearance shall be submitted to the learned Court in seisin.

9. Before releasing the petitioner, learned Court in seisin is called upon to verify criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

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