

BLAPL No.8361 of 2016

30.12.2016

Heard learned counsel for the petitioner and learned Addl. Government Advocate.

In this case, the petitioner, who is in custody for the alleged commission of offences under Sections 341, 323, 324, 307 and 506/34 of the IPC read with Section 27 of the Arms Act in G.R. Case No.1004/2016 of the court of learned SDJM, Puri, arising out of Bramhagiri P.S. Case No.104/2016, has filed an application under Section 439 of the Cr.P.C. for granting him regular bail.

His application for regular bail has been rejected by the learned 1st Addl. Sessions Judge, Puri in B.A. No.508/1439 of 2016 on 23.12.2016. It is apparent from the records that the injuries sustained by the injured are simple in nature. Moreover, it is seen from the impugned order that there is no allegation that the petitioner is involved in any other criminal offences. He is a permanent resident of Girala, P.S. Puri Sadar, Dist. Puri, which precludes any chance of his fleeing from the process of law. There is no allegation from the prosecution side that he will tamper with the prosecution evidence if released on bail. Moreover, he is in custody since 11.11.2016.

Keeping in view the aforesaid consideration, this Court is of the opinion that BLAPL should be allowed. Accordingly, BLAPL is allowed. Let the petitioner be released on bail on such terms and conditions as deemed just and proper by the learned SDJM, Puri in the aforesaid case.

The BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

S.K. Mishra, V.J.

In the interim Case No. 8721 of 2016, it is ordered that the petitioner no.2 shall not be disengaged only on the basis of attaining the age of 60 till the next date.

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

S.K. Mishra, J.