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**(2022) 10 OHC CK 0091**

**Orissa High Court**

**Case No:** Bail Application No.. 9369 Of 2022

Baikuntha Behera

APPELLANT

Vs

State Of Orissa

RESPONDENT

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**Date of Decision:** Oct. 19, 2022

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 109, 363, 366

**Hon'ble Judges:** V. Narasingh, J

**Bench:** Single Bench

**Advocate:** M. Acharya, K.K. Gaya

**Final Decision:** Disposed Of

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### **Judgement**

V. Narasingh, J

1.This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner is an accused in connection with G.R. Case No.98 of 2022, pending in the Court of learned J.M.F.C., Odagaon, arising out of

Odagaon P.S. Case No.61 of 2022, for commission of offences under Sections 363/366/109/34 of IPC.

4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Odagaon, by order dated

09.09.2022 in the aforementioned case, the present BLAPL has been filed.

5. The petitioner is stated to be in custody since 28.08.2022.

6. It is submitted by the learned counsel for the petitioner that the petitioner has been incarcerated for an offence committed by his son under Section

363/34 of the IPC.

7. Taking into account the nature of allegations and the period of custody and the role ascribed to the present petitioner, this Court directs the

petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

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

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