

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 641 of 2022

Sk. Manir Quadir @ Minar Petitioner
Kadir @ Mini

Mr. P.K. Das, Advocate

-versus-

State of Odisha Opp. Party

Mr.A.P. Das,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

24.06.2022

03. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

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

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Mangalpur P.S. Case No.318 of 2019 corresponding to C.T. Spl. (POCSO) Case No.159 of 2019 pending in the Court of learned Adhoc Addl. Sessions Judge (FTSC), Jajpur for alleged commission of offences under sections 363/304/34 of the Indian Penal Code and section 8 of the POCSO Act.

Learned counsel for the petitioner submitted

that the petitioner is in judicial custody since 08.11.2019 and he has been charge sheeted under sections 363/304/34 of the Indian Penal Code and section 8 of the POCSO Act. It is further submitted that one of the co-accused, namely, Sk. Sadik Quadir @ Sk. Nana has been released on bail by this Court in BLAPL No.1524 of 2020 as per the order dated 09.10.2020 and the petitioner stands on similar footing like the co-accused and therefore, on the ground of parity, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, placed the bail order copy of the co-accused Sk. Sadik Quadir @ Sk. Nana from which it appears that the bail was granted to him as there was an accident which took place on account of rash and negligent driving of the petitioner which caused injuries to the victim that resulted in her death and therefore, the case of the petitioner is clearly distinguishable from the co-accused Sk. Sadik Quadir @ Sk. Nana and as such the claim of parity cannot be taken into account.

Considering the submissions made by the learned counsel for the respective parties and in view of the nature and gravity of the accusation against the petitioner, I am not inclined to release the petitioner on bail.

Accordingly, the BLAPL stands dismissed.

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

(S.K. Sahoo)
Judge

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