

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 763 OF 2021

Anil Dakua

..... Petitioner
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
21.06.2022

Order No.
09.

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. 408 of 2019 corresponding to Badagada P.S. Case No. 267 of 2019, pending on the file of the learned J.M.F.C. Sorada for the alleged commission of offence under Sections- 395/450 of the I.P.C and read with Sections- 25/27 Arms Act and is in custody since 02.12.2020.
4. Being aggrieved by the rejection of his application for bail under Section-439 Cr.P.C by the learned Additional District

& Sessions Judge, Bhanjanagar by order dtd. 07.01.2021 in Bail Application No. 619 of 2020, the present BLAPL has been filed.

5. Learned counsel for the petitioner places reliance on the order of this Court dtd. 07.09.2021 in BLAPL No. 2992 of 2021, Order dtd. 12.02.2021 in BLAPL No. 284 of 2021 and Order dtd. 16.11.2021 in BLAPL No. 8427 of 2021, seeks release inter alia on the ground of parity. It is also submitted that the petitioner has no criminal proclivity and it is urged taking into account the age of the petitioner and period of custody since 02.12.2020. The case at hand merits consideration of this Court.

6. The learned counsel for the State on the basis of recitals in the Case Diary submits that the ground of parity as urged cannot be taken into consideration, since the petitioner has been identified in the T.I. Parade.

7. Taking into account the release of the co-accused, the period of custody and the age of the petitioner, this Court directs that the petitioner shall be released on bail on such terms and conditions as deemed just and proper by the Court in seisin over the matter with further conditions that the petitioner appear in person before the Jurisdictional Police Station twice every week the first date of such appearance to be fixed by the learned Court in seisin over the matter.

8. While releasing the petitioner on bail, the learned Court below is called upon to verify the criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedents, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent Certified copy of this order be granted as per rule.

Balaram

