

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3082 of 2022

Chandrakanta Bahadur

.... ***Petitioner***
M/s. J.K.Majhi, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

28.10.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Balaramgadi Marine P.S. Case No.03 of 2021 corresponding to C.T. Case No.203 of 2021 pending in the Court of learned 3rd Addl. Sessions Judge, Balasore for commission of offence punishable U/Ss. 302/34 of the I.P.C. read with Section 25/27 of the Arms Act on the allegation of committing murder of the deceased along with co-accused persons in furtherance of their common intention by using fire arms.
 3. In the course of hearing of the bail application, learned counsel for the petitioner by filing the copy of the orders passed in BLAPL No. 8021 of 2021, BLAPL No. 8050 of 2021 and BLAPL No. 7686 of 2021 submits that co-accused persons standing on similar footing have already been granted bail and the petitioner being an innocent person and having detained in custody since 24.03.2021 without any fault may kindly be enlarged on bail.
 4. On the contrary, learned counsel for the State while opposing the bail application of the petitioner in vehemence submits that although co-accused persons are granted bail by this Court but such facts by itself cannot be a ground to grant bail to the petitioner in view of the allegations

appearing against the petitioner for committing murder of the deceased.

5. After having considered the rival submissions advanced on behalf of the parties upon reference to the materials on record, it appears that co-accused Biswanath Parida @ Katichhua, Md. Habib and Sk. Mahammad have already been granted bail by this Court in BLAPL No. 7686 of 2021, BLAPL No. 8050 of 2021 and BLAPL No. 8021 of 2021. Considering the above aspect and the pre-trial detention of the petitioner since 24.03.2021 and keeping in view the allegation of firing being not directed against the present petitioner, this Court does not hesitate to consider the bail application of the petitioner leniently by extending the principle of parity.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge