

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3532 of 2022

Siba @ Sibaram Nahak

....

Petitioner

Mr. S.S. Ray (2), Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.07.2022

Order No.

06.

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 G.R. Case No.122 of 2012, on the files of learned J.M.F.C. Aska, arising out of Aska P.S. Case No.53 of 2012, under Sections 302/120-B/201/34 of IPC and is in custody since 05.04.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Aska, Ganjam by order dated 20.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that petitioner is in custody since 05.04.2022, the learned counsel for the petitioner places on record that the order passed by this Court dated 24.04.2019 in BLAPL No.3113 of 2019 relating to co-accused

Naran @ Narayan Mohanty and the order dated 12.12.2018 in BLAPL No.5124 of 2018 by which bail application of one Sabita Jena wife of Naba @ Nabakrushna Jena was allowed.

6. It is further submitted that all other accused persons have in the meanwhile have been released on bail. Hence the intervention of this Court is sought inter alia on the ground of parity of parity.

7. It is stated that the incident is of the year 2012 and without any material on reopening of the investigation in 2018, the petitioner has been implicated. And assailing, he moves this Court by filing anticipatory bail and in terms of the order passed by this Court, petitioner surrendered.

8. Learned counsel for the State relied upon the statement of one Kanhu Jena, co-accused and it is submitted that the accusations relating to the petitioners concerned is grave and he does not stand on the same footing, as the rightly noted, by the learned Sessions Judge while rejecting the BLAPL and hence prays for dismissal of the bail application.

9. On going through the statement of the co-accused Kanhu, this Court has noticed that persons similarly circumstanced namely Naba and one Nayaran Mohanty who is stated to have given the blow with a iron rod, has since been enlarged on bail.

10. Taking note of the same this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

11. Taking into account the conduct of the petitioner it is directed that petitioner shall appear before the jurisdictional Police

Station once in every two weeks till the conclusion of the trial and it goes without saying the petitioner shall not intimidate the witnesses.

12. Accordingly, the BLAPL stands disposed of.
13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

