

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3749 of 2022

Rahim Babu @ Md. Rahim Babu

Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Orissa

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.09.2022

Order No.

04.

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.1877 of 2014, pending in the Court of learned J.M.F.C., (City), Cuttack, arising out of Malgodown P.S. Case No.184 of 2014, for offences under Sections 302/307/120-B/34 of IPC and Section 25/27 of Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge (vigilance), Cuttack, by order dated 26.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that four co-accused persons namely, Sk. Sona, Md. Sakil, Asis Kumar Das and Babu @ Sk. Babu, who since faced trial were acquitted by

the learned 2nd Additional Sessions Judge, Cuttack, in Judgment dated 28.12.2016 in S.T. Case No.220 of 2015.

6. It is submitted by the learned counsel for the petitioner that the petitioner is similarly circumstanced with the four accused persons since acquitted, hence seeks bail.

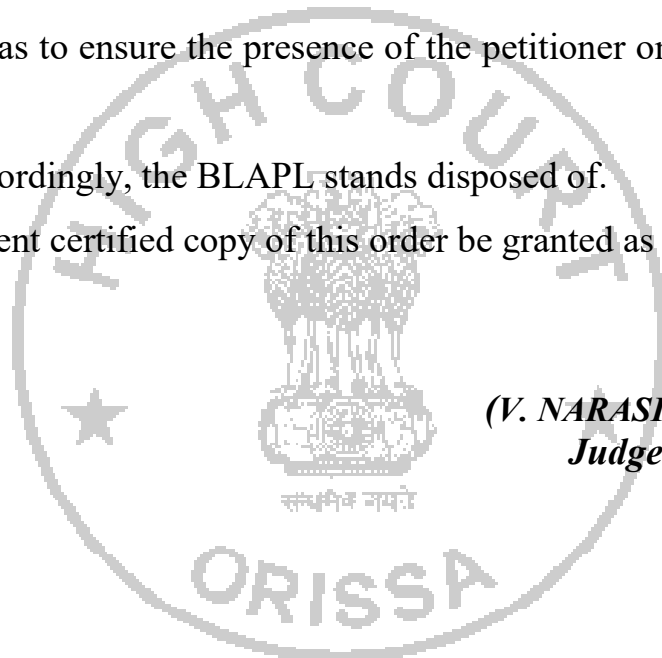
7. Learned counsel for the State on perusal of the Case Diary and going through the order of acquittal referred to hereinabove fairly submits that the petitioner is similarly placed.

8. Taking note of the same, this Court directs the petitioner to be released on bail. Learned Court in seisin over the matter to fix the terms so as to ensure the presence of the petitioner on each date of trial.

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge