

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3070 OF 2021

Sahadeba Muduli

***..... Petitioner
Mr. Tukuna Mishra, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Mr. K.K. Gaya, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
06.05.2022**

**Order No.
03.**

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with G.R. Case No. 978 of 2020 corresponding to Koraput Sadar P.S. Case No. 123 of 2020, pending on the file of the learned S.D.J.M., Koraput for the alleged commission of offence under Sections-395 of the I.P.C, read with Section 25/27 of the Arms Act.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge, Koraput by Order dtd. 17.03.2021 in BLAPL No. 38 of 2021, the present BLAPL has been filed.
4. Heard Mr. P.K. Panda, learned counsel for the petitioner and Mr. K K. Gaya, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner places reliance on the order of this Court dtd. 18.06.2021 passed in BLAPL No. 2582 of 2021 and the order dtd. 01.09.2021 passed in BLAPL No. 2553 of 2021 and BLAPL No. 2529 of 2021 relating to co-accused and submits that the petitioner is entitled to be released on bail inter alia on the ground of parity.

6. Learned Counsel for the State opposes such prayer and state that since the petitioner is identified in the T.I. Parade, the question of parity as canvassed by the petitioner cannot be taken into consideration.

7. On perusal of the charge-sheet which is on record, it is seen that there has been recovery from one of the co-accused namely Daitari Challan @ Chandan of gold ornaments, weapons of offence and cash.

8. Said Daitari Challan @ Chandan has already been released on bail.

9. Taking into account, release of the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. It is submitted that the petitioner has no criminal proclivity. The same be examined by the learned Court in Seisin over the matter before the petitioner is released on bail. In the event, it comes to the fore that the petitioner has any criminal antecedents, this order shall stand recalled automatically without any further reference to this Court.

11. The Bail Application stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

Balaram

*(V.Narasingh)
Judge*

