

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3900 of 2022

Titu Sahoo

....

Petitioner

Mr. S. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

20.07.2022

I.A. No.1229 of 2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioner does not want to press this I.A.
3. Accordingly, the I.A. stands disposed of as not pressed.

BLAPL No. 3900 of 2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.645(A) of 2020, pending on the files of learned S.D.J.M., Dhenkanal, arising out of Dhenkanal Sadar P.S. Case No.225 of 2020, under Sections 147/148/341/294/323/427/364/307/120(B)/302/506/149 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Dhenkanal, by order dated 27.04.2022 in the aforementioned case, the present BLAPL has been filed.

4. Learned counsel for the petitioner submits that the co-accused who faced trial were acquitted by judgment dated 04.10.2021 passed by the learned sessions judge Dhenkanal in CT (S.s) case No. 3 of 2021. It is placed on record that while recording such judgment of acquittal the learned trial Court has taken specific note of the fact that the informant resiled from the statement and did not support the prosecution.

5. The petitioner was absconding and was taken into custody on 11.04.2022. It is submitted that in view of the acquittal of the co-accused and the stand of the informant as noted above and release of the co-accused similarly placed namely one Birat@Subrat@Subrat by order dated 10.02.2022 by this Court in BLAPL No. 10312 of 2021, petitioner be released on bail inter alia on the ground of parity.

6. Learned counsel for the State submits that the evidence in respect of the co-accused cannot be placed into service when the same has not been tested vis-à-vis the petitioner. But at the same time it is not disputed that the petitioner prima facie is similarly circumstanced with one Birat since been released on bail by this Court.

7. Considering the release of the co-accused in trial and the accused who is similarly circumstanced being released on bail, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi