

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3505 of 2021

M.D. Sakil

....

Petitioner

Mr. S. R. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

12.04.2022

Order No.

09.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing counsel for the State.
3. The petitioner is an accused in G.R. Case No.889 of 2020, on the files of learned J.M.F.C.(C) Cuttack, arising out of Badambadi P.S. Case No.143 of 2020, under Sections 385/386/387/120-B of the IPC read with Section 25/27 of the Arms Act and is in custody since 23.08.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Additional Special Judge (Vig), Cuttack by order dated 23.04.2021 in the aforementioned case, the present BLAPL has been filed.

5. Stating that the petitioner is in custody since 23.08.2020 and that charge sheet has been filed on 22.08.2020 the petitioner is seeking the interference of this Court.

6. It is also submitted by the learned counsel for the petitioner relying on the orders of the co-accused, inter alia on the ground of the parity since other co-accused persons have been released on bail. It is also stated that the petitioner has been falsely implicated in the case at hand because of his antecedents and there is no material to connect the petitioner to the alleged crime. It is also submitted with vehemence that there has been serious irregularity in the investigation and for which the petitioner has not rebut unnecessarily.

7. Referring to the recitals in the case diary learned counsel for the State opposes the move and submits there are criminal antecedents against the petitioner of similar offences and it is on record that the petitioner was occurring the present and there are case diaries to connect petitioner with the crime.

8. Taking into account the criminal antecedents of the petitioner and the nature of materials available on record this Court is not inclined the petitioner to be released on bail.

9. Accordingly, the BLAPL application stands dismissed.

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

(V. NARASINGH)
Judge

Santoshi