

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5080 of 2022

Masa Madkami@Kawasi and another* *Petitioners

Mr. J.K. Panda, Advocate

-versus-

State of Orissa

.... Opposite Party

Mr. B. Panigrahi, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

27.07.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.147/148/342/363/121/121-A/124-A/302/149, I.P.C., Sections 25/27 of the Arms Act, Section 16(1)(a)/18/20 of the UAP Act and Section 17 of the Criminal Law Amendment Act.

2. Heard Mr. J.K. Panda, learned counsel for the Petitioners as well as Mr. B. Panigrahi, learned A.S.C. for the State-Opposite Party.

3. It is submitted that the Petitioners are inside custody since 16.4.2019 and in the meantime 17 witnesses have been examined out of 27 charge-sheeted witnesses and none of them supported prosecution case. It is further submitted that some of the co-accused persons have in the meantime been released on bail by another coordinate Bench of this Court in BLAPL No.1302 of 2022 and the present Petitioners standing on the same footing with them should also be permitted to be released on bail.

4. Upon hearing Mr. B. Panigrahi, learned Additional Standing Counsel for the State-Opposite Party and considering the nature of offences and the special provisions contained in Section 43-D(5) of the UAP Act, I am not inclined to release the Petitioners on bail pending trial.

5. So far as the grounds of parity taken by the Petitioner is concerned, it appears from the bail order of the co-accused persons that such provision under Section 43-D(5) of the UAP Act has not been dealt with and therefore, the release of those co-accused persons cannot be considered as ground of parity in respect of the present Petitioners. In the result the prayer for bail is rejected.

6. However, learned trial court is directed to take expeditious steps for early completion of the trial, preferably by end of October, 2022.

7. The BLAPL is dismissed.

(B.P. Routray)
Judge