

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4215 OF 2021

Umesh Bag & Anr.

..... Petitioners
Mr. Panchanan Panigrahi, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
06.04.2022

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. The petitioners are accused in connection with C.T. Case No. 06 of 2021 corresponding to Kasipur P.S. Case No. 95 of 2019, pending on the file of the learned District & Sessions Judge, Rayagada for the alleged commission of offence under Sections-457/395 of IPC and r/w. Section-25/27 of the Arms Act and are in custody since 20.04.2021.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned District & Sessions Judge, Rayagada, by Order dtd. 30.04.2021, the present BLAPL has been filed.
4. Heard Mr. P. Panigrahi, learned counsel for the petitioners and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
5. Learned counsel for the petitioners places reliance on the order passed by this Court dtd. 07.10.2020 in BLAPL No. 4100 of

2020 by which the co-accused Anil Bag@Anil Bagh has been granted bail.

6. It is submitted by the learned counsel for the petitioners that the basis of their implication in the case at hand is by virtue of the statement made by the co-accused Anil Bag@Anil Bagh, who has been granted bail by the order referred to above. Hence, on the ground of parity, he seeks discretion of the Court to be exercised in their favour.

7. Per contra, learned counsel for the State submits that since, the petitioners have a criminal case of similar nature and there has been seizure from the house of the petitioners, the ground of parity cannot be taken into account in the case at hand.

8. Considering that the co-accused has already been released on bail, this Court directs the petitioners shall be released on bail, on such terms to be fixed by the learned Court in seisin of the matter, including the conditions that, he shall appear in person before the jurisdictional police station once in two weeks. The date as well, shall be fixed by the learned Court in seisin of the matter.

9. It is needless to state that violation of any of the conditions shall entail cancellation of the bail, and it shall be open to the learned Court in seisin of the matter to consider such cancellation.

10. The Bail Application thus stands disposed of.

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