

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4533 OF 2021

Chandan Dalai @ Kalia

..... Petitioner
Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

..... Opposite Party
Miss Sanjibani Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
08.04.2022

Order No.
04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is accused in connection with C.T. Case No. 510 of 2021 corresponding to Kuakhia P.S. Case No. 94 of 2021, pending on the file of the learned S.D.J.M., Jajpur for the alleged commission of offence under Sections-147/148/341/323/302/149 of the IPC and is in custody since 18.04.2021.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned District & Sessions Judge, Jajpur by Order dtd. 05.04.2021 in BLAPL No. 134 of 2021 along with BLAPL No. 141 of 2021, the present BLAPL has been filed.
4. Heard Mr. S.R. Mohapatra, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.

5. Placing reliance on the Orders passed by this Court dtd.20.07.2021 in BLAPL No. 4456 of 2021 and the Order dtd. 08.12.2021 in BLAPL No. 4599 of 2021. It is stated by the learned counsel for the petitioner that he is on better footing than the co-accused whose bail application has already been allowed.

6. Learned counsel for the State on the other hand submits that, taking into account the nature of allegations, it is not open for the petitioner to plead innocence, since the allegation is also under Section 149, I.P.C.

7. Taking into account the submission of learned counsel for the petitioner, the period of custody and taking in view of the orders passed by this Court in respect of the co-accused, and the ground of parity, this Court directs that, the petitioner shall be released on bail, on such terms to be fixed by the learned Court in seisin of the matter.

8. The Bail Application thus stands disposed of.

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

Balaram

(V.Narasingh)
Judge