

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6294 of 2022

Chiku @ Dhananjaya Nayak

Petitioner

Mr. S. Panigrahi, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Karunakara Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.09.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in connection with S.T. Case No.30 of 2021, pending in the Court of learned 2nd Additional Sessions Judge, Khordha arising out of Khordha Model P.S. Case No.243 of 2020, for alleged commission of offences under Sections 147/148/450/307/302/149 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Khurda by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that though eleven witnesses have been examined and it is stated

on instructions by the learned counsel for the petitioner that all of them have turned hostile including ocular witnesses P.W.1.

6. It is stated that co-accused similarly circumstanced one Nilu @ Rakesh Kumar Sahoo has been released on bail by this Court by order dated 15.02.2022 in BLAPL No.4402 of 2021 and it is also stated that two other co-accused namely Bapina @ Debakanta Dash and Gagan @Nandan Ku. Behera have been released on bail by this court by order dated 11.05.2022 in BLAPL No.3155 of 2022 and order dated 27.09.2022 in BLAPL No.6347 of 2022 respectively.

7. It is submitted with vehemence that the petitioner is similarly circumstanced. Hence learned counsel for the petitioner seeks release of the petitioner inter alia on the ground of parity.

8. Learned counsel for the State opposes the prayer for bail inter alia on the ground that because of criminal proclivity, the petitioner ought not to be released on bail which will affect the impending trial.

9. Considering the submission of the learned counsel for the petitioner and release of the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week till the conclusion of trial.

11. It shall be open to the Investigating Agency to seek variance of the order, in the event there is any violation of the stipulations.
12. Accordingly, the BLAPL stands disposed of.
13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

