

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6346 of 2022

***Girija Ballav Sundaray @
Milu***

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
27.09.2022**

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 G.R. Case No.862(B) of 2021 committed to S.T. Case No.76 of 2022 pending in the file of learned 2nd Additional Sessions Judge, Khurda, arising out of Baghamari P.S. Case No.55 of 2021, offence under Sections 394/397 of the IPC read with Section 25/27 of the Arms Act and is in custody since 04.08.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Khurda by order dated 02.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.

6. It is submitted by the learned counsel for the petitioner that co-accused similarly circumstanced have been released on bail by this Court by order dated 25.03.2022 in BLAPL No.9653 of 2021 and by order dated 16.03.2022 in BLAPL No.625 of 2022.

7. Relying on the order of rejection it is submitted that gunshot is attributed to one Nanda Purna Chandra Sethy, who is not the petitioner before this Court and it is stated that the petitioner is the first offender.

8. Taking note of release of the co-accused and keeping in view that charge sheet has been filed on 30.11.2021 inter alia under Section 395 and 397 of the IPC and other allied Sections and that the petitioner is the first offender as stated and, this Court directs the petitioner to be release on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi