

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6453 of 2022

Munna @ Sugyana Bhoi

....

Petitioner

Mr. S. Mohanty, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

05.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with C.T. Case No.138 of 2022, pending before the learned Additional Sessions Judge, Angul, arising out of Chhendipada P.S. Case No.69 dtd.01.03.2020 corresponding to G.R. Case No.124 of 2020, for alleged commission of offences under Section 395 of IPC read with Section 25/27 of Arms Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Angul, by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 15.04.2021 and the basis of implication is on account of the co-accused statement Umakanta Bhoi.

5. Learned counsel for the petitioner has placed reliance on the order passed by this Court dated 16.11.2022 in BLAPL No.6293 of 2022 and by the said order, this Court directed release of the said Umakanta Bhoi inter alia, on the ground of delay in trial.
6. Learned counsel for the petitioner, on instruction, submits that trial has not yet commenced. Hence, amongst other on the ground of parity, the petitioner may be released on bail.
7. Learned counsel for the State opposes the prayer for bail.
8. Taking into account the release of the co-accused as noted and non commencement of trial and the basis of implication, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.
9. While releasing the petitioner on bail, the learned Court in seisin over the matter shall verify assertion regarding criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha