

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5629 OF 2021

Baya Naik

..... ***Petitioner***
Mr. A. K. Pradhan, Advocate

State of Odisha

-versus-

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

CORAM:
JUSTICE V. NARASINGH

ORDER
14.07.2022

Order No.
04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with S.T. Case No. 50 of 2021 corresponding to G.R. Case No.1270 of 2020 arising out of Tarasingi P.S. Case No. 270 of 2020, pending on the file of the learned Additional Sessions Judge, Bhanjanagar, Ganjam for the alleged commission of offence under Sections-302/201/34 of the IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge, Bhanjanagar by Order dtd. 19.04.2021 in S.T. No. 50 of 2021, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.

5. Learned counsel for the petitioner relies on the order passed by this Court dtd. 06.05.2022 in BLAPL No. 2242 of 2020 and Order dtd. 17.05.2022 in BLAPL No. 3047 of 2021 inter alia on the ground of parity.

6. On perusal of record, it is seen that while disposing of BLAPL No. 3047 of 2021, this Court had occasion to peruse the statements of two material witnesses namely Mitu Patra and Tulu Patra examined as P.Ws.1 and 2 respectively. On scrutiny, it is found that the said Prosecution Witnesses have resiled and not supported the prosecution.

7. On examination of the materials on record vis-à-vis the petitioner, it is found that prima facie the petitioner is similarly circumstanced with the co-accused since enlarged on bail.

8. Taking into account the release of the co-accused, who are stated to have graver complexity, 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.

9. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*