

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 6542 of 2022**

***Trinath Naik and others***

....

***Petitioners***

Mr. A.K. Das (1), Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. P.K. Maharaj, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**17.11.2022**

**Order No.**

**03.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in C.T.(SS) Case No.142 of 2022, pending in the file of learned Sessions Judge, Dhenkanal, arising out of Sadar P.S. Case No.187 of 2022, offence under Sections 436/307/324/426/427/34 of IPC and are in custody since 22.04.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Dhenkanal by order dated 29.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 22.04.2022 and as charge sheet has already been filed on 18.06.2022, further continuance of the

petitioners in custody is not warranted and more so, when one co-accused Tapan Naik with greater complicity has been granted bail by this Court by order dated 02.11.2022 in BLAPL No.6540 of 2022. Hence on the ground of parity he seeks release.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the lady and her minor daughter were assaulted for which no leniency ought to be shown to the petitioner.

7. Taking into account the filing of charge sheet and as in the meanwhile the case has been committed and the background in which the offence has been committed, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Before releasing the learned Court in seisin over the matter is requested to verify about the health condition of both the victims, since it is stated that they have recovered and they are leading a normal life.

9. Additionally the petitioners shall appear before the jurisdictional police station once every week till conclusion of trial. Date and time of such appearance be fixed by the learned Court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

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

**(V. NARASINGH)**  
**Judge**