

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6764 of 2022

Faruk Khan and another

....

Petitioners

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.09.2022

Order No.

02.

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 G.R. Case No.126 of 2022, pending in the file of learned S.D.J.M. Khordha, arising out of Begunia P.S. Case No.24 of 2022, under Section 392/34 of the IPC and is in custody since 22.01.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Khurdha, by order dated 05.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the basis of implication the petitioners is on account of the statement of one Abdul Mansur co-accused.
6. It is submitted that since the said co-accused Abdul Mansur has been released on bail by the order of this Court dated

29.08.2022, in BLAPL No.3009 of 2022, further continuance of the petitioners in custody is not warranted more so, when charge sheet has already been filed in the meanwhile on 20.05.2022.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground of criminal proclivity of the petitioners as evidenced from the order of rejection.

8. Taking into account that the release of the co-accused on the basis of whose statement the petitioners were taking into custody has released on bail, 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.

9. Additionally, it is directed that the petitioners shall appear before the jurisdictional police station once every week till the conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge