

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6890 of 2022

Tusharkanta Behera @ Happy ***Petitioner***

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.09.2022

Order No.

02.

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 Tumusingha P.S. Case No.44 of 2018 corresponding to G.R. Case No.182 of 2018, pending in the file of learned S.D.J.M., Kamakhyanagar, for offences under Section 395/412 of IPC read with Section 25/27 of Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Kamakhyanagar, by order dated 15.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner has been implicated on the basis of statement of the co-accused Tukuna Swain @ Mrutunjaya. It is submitted that this Court by order dated 19.11.2018 has directed release of the said Tukuna in BLAPL No.6027 of 2018 and another co-accused Bipin

Mallik by order dated 19.11.2018 in BLAPL No.6076 of 2018, hence learned counsel for the petitioner seeks release inter alia on the ground of parity also in view of filling of the charge-sheet.

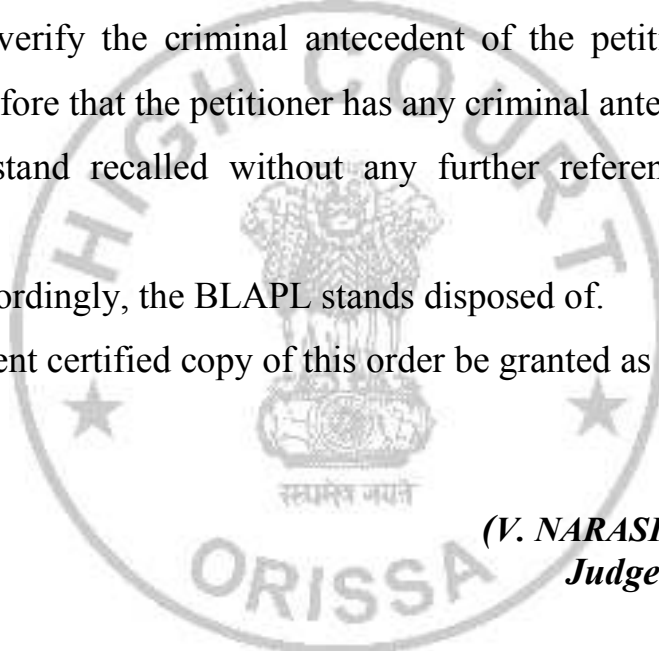
6. Such assertions are not refuted by the learned counsel for the State.

7. Taking into account the basis of implication and the release of the co-accused, 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.

8. While releasing the petitioner on bail the learned Court below shall verify the criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Ayesha