

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6933 of 2022

Manas Nayak

....

Petitioner

Mr. P.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
3. The petitioner is an accused in connection with C.T. Case No.167 of 2022, pending in the Court of the learned S.D.J.M., Balasore, arising out of Sahadevkhunta P.S. Case No.50 of 2022, for alleged commission of offences under Section 395 of IPC.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Balasore, by order dated 19.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 06.07.2022 and since charge-sheet has been filed on 27.05.2022, showing him as an absconder, his further continuance in custody is uncalled for.
6. Learned counsel for the State on the basis of recitals in the Case Diary submits that it is on record that the seizure has been

affected from co-accused Mittu @ Sk. Sabir and Sk. Saheb Ali @ Sk. Saif Ali.

7. It is stated that the said two accused persons have since been released on bail by this Court by order dated 02.05.2022 in BLAPL No.3116 of 2022 and by order dated 20.05.2022 in BLAPL No.4336 of 2022 and it is further stated that another co-accused Zakir @ Jakir @ Javed Khan has also been released on bail by order dated 02.06.2022 in BLAPL No.4702 of 2022, hence on the ground of parity, the petitioner seeks release.

8. Learned counsel for the State on going through the Case Diary, points out that the cash involved in the crime i.e. amount of Rs,3,20,000/-(Rupees three lakhs twenty thousand) has so far not been recovered. Hence, merely because charge-sheet has been filed and co-accused has been released on bail, the petitioner ought not to be released on bail.

9. Considering the period of custody 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.

10. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedents of similar nature, of the petitioner. If it comes to the fore that the petitioner has any such criminal antecedent, this order shall stand recalled without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha