

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7084 of 2022

***Akshya Kumar Dhanpul @
Amit & another*** ***Petitioners***

Mr.R.L. Pattnaik, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
17.10.2022**

**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 G.R. Case No.256 of 2022 pending in the file of learned S.D.J.M., Malkangiri, arising out of Malkangiri P.S. Case No.212 of 2022, for commission of offence under Section 395 IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Malkangiri by order dated 20.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioners that the co-accused similarly circumstanced have been released on bail by order dated 11.07.2022 in BLAPL No.5678 of 2022 and by order dated 06.07.2022 in BLAPL No.5623 of 2022.

6. It is borne out from the record that in the case at hand no T.I parade has been conducted and the Petitioners have been implicated relying on the co-accused statement.

7. Learned counsel for the State, on instruction, does not dispute the submission of the learned counsel for the Petitioners that no T.I Parade is conducted and that prima facie the Petitioners are similarly circumstanced with those who have been released on bail, as noted above, but opposes the release of the Petitioners, inter alia, on the ground that the Petitioners have criminal antecedents.

8. Taking into account the release of the co-accused and the period of custody, 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. Taking into account the criminal proclivity of the Petitioners, it is directed that the Petitioners shall appear before the jurisdictional police station of the Court in seisin over the matter once every week till 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

PKS