

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7253 of 2022

Tuna Sagaria

....

Petitioner

Mr. G. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, 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 connection with G.R. Case No.256 of 2022, pending in the Court of learned S.D.J.M., Malkangiri, arising out of Malkangiri P.S. Case No.212 of 2022, for offences under Section 395 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional 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 petitioner that co-accused similarly circumstanced have been released on bail by this Court 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 petitioner has 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 petitioner that no T.I. Parade is conducted and that prima facie the petitioner is similarly circumstanced with those who have been released on bail, as noted above, but opposes the release of the petitioner inter alia on the ground that the petitioner has criminal antecedents.

8. Taking into account the release of the co-accused and the period of custody, 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.

9. Taking note the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station 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

Ayesha