

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7255 of 2022

Nila Pradhan

....

Petitioner

Mr. R.R. Ray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with G.R. Case No.283(A) of 2016 corresponding to S.T. Case No.34 of 2022, pending in the file of the learned 1st Additional Sessions Judge, Khordha, arising out of Khordha Sadar P.S. Case No.32 of 2016, for alleged commission of offences under Sections 302/396/120(B)/34 of IPC and Section 27 of Arms Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Khurda, by order dated 12.07.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 12.02.2022 and charge-sheet was filed on 30.07.2021 citing the petitioner as an accused.

5. It is stated that the co-accused persons similarly circumstanced have since been released on bail by series of orders of this Court, which are on record.

6. On perusal of the order dated 30.09.2022 in BLAPL No.3704 of 2022 relating to the co-accused, it can be seen that the statement of one Ranjit Biswal stated to be an eye witness was taken into account.

7. On an analysis of the said statement, this Court arrived at the preliminary finding that the allegations are omnibus in nature.

8. Learned counsel for the petitioner relying on the said order and other orders, which are on record, submits that there is no specific overt act which is attributed to the petitioner and as co-accused similarly circumstanced have been released on bail, this BLAPL may be favorably considered and more so when the petitioner is a first offender.

9. Learned counsel for the State opposes the prayer for bail and submits that the petitioner is an FIR named accused and his very conduct of absconding goes to show his criminal intent. Hence, merely because co-accused persons have been released on bail, his prayer ought not to be considered.

10. On a conspectus of materials on record and keeping in view the release of the co-accused, who are prima facie similarly circumstanced, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

11. Before releasing the petitioner, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

12. Accordingly, the BLAPL stands disposed of.
13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha

