

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7365 of 2022

***Balaram Kisan @ Balaram @
Bala Kisan***

Petitioner

Mr. R.N. Rout, Advocate

-versus-

State of Odisha

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
08.12.2022**

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.2222 of 2022, pending in the file of learned S.D.J.M., Sambalpur, arising out of Dhanupalli P.S. Case No.192 of 2022, for commission of alleged offences under Sections 395 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sambalpur by order dated 19.10.2022 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 11.06.2022 and since charge-sheet has been filed on 07.10.2022, further continuance of the petitioner in custody is not warranted.
5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the petitioner relies on the order relating to the release of co-accused passed by this Court dated 01.12.2022 in BLAPL No.7395 of 2022, and seeks release of the petitioner inter alia on the ground of parity.

7. Taking into account filing of charge sheet and the period of custody and release of the co-accused as noted above, 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. On instruction learned counsel for the petitioner submits a memo that the petitioner has no criminal antecedent. The same is taken on record. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal antecedent. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi