

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7447 of 2022

Ajay Biswal @ Banti & Another

Petitioners

Mr. A.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
25.08.2022

Order No.

01.

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 accused in C.T. Case No.1312 of 2021 arising out of Badachana P.S. Case No.302 of 2021, pending before the learned J.M.F.C., Chandikhole, 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 Sessions Judge, Jajpur, by order dated 28.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by learned counsel for the petitioner that charge-sheet in the case at hand was filed on 18.11.2021 and basing on the co-accused statement, the petitioners have been apprehended on 14.07.2022. It is further submitted that accused person similarly placed have been enlarged on bail by this Court by order dated 11.08.2022 in BLAPL No.6999 of 2022 and order dated 28.06.2022

in BLAPL No.4114 of 2022. Hence release of the accused is prayed for inter alia on the ground of parity.

6. Opposing the prayer for bail, learned counsel for the State submits that on the basis of materials, the present petitioners were apprehended and it is submitted that so far as the vehicle which is involved in the incident that a motor bike was recovered from petitioner No.2.

7. Considering the nature of allegations and that charge-sheet has already been filed, this Court directs the petitioners to be released on bail and more particularly the petitioner No.2, taking into account his age and statement at the bar that he has no criminal proclivity.

8. While releasing the petitioner No.2, learned Court in seisin over the matter is called upon to verify, if there are any criminal cases pending against him. In the event it comes to the fore that the petitioner has any criminal antecedent, this order vis-à-vis petitioner No.2 shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

10. Learned counsel for the petitioner is permitted to correct the father's name of petitioner No.1 in Court.

(V. NARASINGH)
Judge

Ayesha