

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7459 of 2022

Abhisekh Nayak

....

Petitioner

Mr. P.P. Parida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

20.10.2022

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 Petitioners are accused in C.T. Case No.2733 of 2022 pending in the file of learned S.D.J.M., Bhubaneswar, arising out of Dhauli P.S Case No.97 of 2022, for commission of offence under Sections 341/307/326/379/34 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Bhubaneswar by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the Petitioner is similarly circumstanced with the co-accused Pradeep Bhoi @ Babu, Ratikanta Bhoi and Banti Bhoi, who have since been released on anticipatory bail on surrendering in terms of the order

passed by this Court by order dated 27.09.2022 in ABLAPL No.12382 of 2022. The said order is taken on record.

6. Learned counsel for the State places the statement of the injured-Smruti Ranjan Patra. In the said statement, he has specifically stated that the overt act has been committed by the present Petitioner and another Arabinda Maiti and cutting of throat of the injured victim is attributable to the co-accused Happy Bhoi.

7. Hence, prima facie the Petitioner is not similarly circumstanced with those accused persons, who have been allowed to be released on anticipatory bail.

8. It also comes to the fore that the Petitioner has one criminal antecedent of same year, which is registered as Dhauli P.S. Case No.1 of 2022.

9. Hence, this Court is **not inclined** to entertain this bail application at this stage. It shall be open to the Petitioner to move the learned Court in seisin over the matter at a later stage, if so advised.

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

(V. NARASINGH)
Judge

PKS