

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7505 of 2022

Tofan Naik

....

Petitioner

Mr. A.K. Das 1, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
08.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.203 of 2022, pending in the file of learned S.D.J.M., Dhenkanal, arising out of Sadar P.S. Case No.85 of 2022, for commission of alleged offences under Sections 457/395 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Dhenkanal by order dated 25.05.2022 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 13.03.2022 and as charge-sheet has been filed on 09.07.2022 and also keeping in view release of the co-accused by order dated 12.07.2022 in BLAPL No.3721 of 2022, he seeks release inter alia on the ground of parity.

5. Learned counsel for the State relying on the order of rejection opposes the prayer for bail inter alia on the ground that there has been seizure of cash, gold ornaments and a Pulsar motor cycle involved in the crime from this petitioner.

6. Learned counsel for the petitioner on instruction submits that there is no material to show that neither the petitioner nor the materials were put to T.I. parade.

7. Considering the same and taking into account the release of the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Since the learned counsel for the petitioner is not in a position to appraise this Court regarding the criminal antecedents of the petitioner, this Court calls upon the learned Court in seisin to verify the assertion regarding his criminal antecedent and also the plea regarding non-identification of the accused and the materials in the T.I. parade. If it comes to the fore that the submissions relating to T.I. parade is not correct and that 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