

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7623 of 2022

Dipu @ Dipak Kumar Shaw

Petitioner

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

01.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. Case No.48 of 2022, pending in the file of learned C.J.M., Bhawanipatna, arising out of Kegaon P.S. Case No.5 of 2021, for commission of alleged offences under Sections 457/395 of IPC and 25 and 27 of the Arms Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Bhawanipatna by order dated 28.06.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the petitioner that in the case at hand charge sheet has been filed on 17.07.2021 and he has been remanded in the case at hand on 07.01.2022. It is submitted with vehemence that because of his criminal proclivity the petitioner has been cited as an accused here.

5. Learned counsel for the petitioner further relies on the order passed by this Court in respect of the co-accused dated 17.10.2021 in BLAPL No.7873 of 2021 and dated 16.05.2022 in BLAPL No.3521 of 2022. It is stated that the petitioners released are similarly circumstanced with the present petitioner.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground of criminal proclivity of the petitioner and submits that keeping in view the back ground of the petitioner, parity cannot be pressed into service.

7. Considering the manner in which the petitioner has been implicated in the case at hand and released of the co-accused as noted, 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. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge