

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7659 of 2022

Kana Pintu @ Pramod Nayak ***Petitioner***

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

Order No.

03.

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 an accused in G.R. Case No.308 of 2017, pending in the file of learned Additional Sessions Judge, Chatrapur, Dist-Ganjam vide S.T. Case No.26 of 2018, arising out of Chatrapur P.S. Case No.131 of 2017, alleged commission of offence under Sections 147/148/324/326/307/302/120-B/149 of IPC read with Section 25 of the Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Chatrapur, Dist-Ganjam by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that he is in custody since December, 2017 and in the meantime 22

witnesses including informant have been examined in the course of trial.

6. It is submitted with vehemence that petitioner is not a named accused in the meantime eleven accused with greater complicity have been released on bail by this Court in different bail application. The copies of the orders passed in such bail applications are on record. Hence inter alia on the ground of parity petitioner seeks release.

7. Learned counsel for the State opposes the prayer for bail keeping in view the nature of allegations and submits that question of parity cannot be pressed into service keeping in view the manner in which this offence has been committed.

8. On perusal of the deposition of P.W.1-the informant and the eye witnesses, it is seen that he has named accused Manas @ Manash Ranjan Behera, Linga@V. Lingaraj Reddy, Prem Kumar Naik, N. Iswar Reddy as the assailant, who attacked his deceased elder brother Laxmidhar. It is on record that the said alleged assailants have since been released on bail by this Court by orders dated 18.05.2022 in BLAPL No.8586 of 2021 (Manas @ Manash Ranjan Behera), 22.07.2022 in BLAPL No.10770 of 2021 (Linga @ V. Lingaraj Reddy), 18.07.2022 in BLAPL No.7230 of 2021 (Prem Kumar Naik), 27.08.2021 in CRLA No.387 of 2021 (N. Iswar Reddy).

9. It is categorically stated by the said P.W.1 that present petitioner inflicted a blow on his right leg. No overt act is attributed to the petitioner qua the deceased.

10. Taking into account release of the co-accused as stated above and period of custody nature of the accusation relating to the petitioner, this Court directs him to be released on bail on such terms to be fixed by the learned Court in seisin over the matter so as to ensure his presence on each date of trial.

11. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity since it is stated that petitioner is a first offender. If it comes to the fore that the petitioner has any criminal antecedent of similar nature this order shall stand recalled.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi