

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7856 of 2022

Sukru @ Chhota Naik

....

Petitioner

Mr. R. Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

02.09.2022

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 an accused in G.R. Case No.1410 of 2022, pending in the file of learned S.D.J.M. Talcher, arising out of Samal Barrage P.S. Case No.171 of 2022, offence under Sections 395 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Talcher by order dated 23.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner has been roped in because of wrong identity and she derives support from the observation in the rejection order that the accused has not been identified in the T.I. Parade.

6 It is further submitted that since investigation has progressed substantially and the petitioner has no criminal proclivity his further continuance in custody is not warranted.

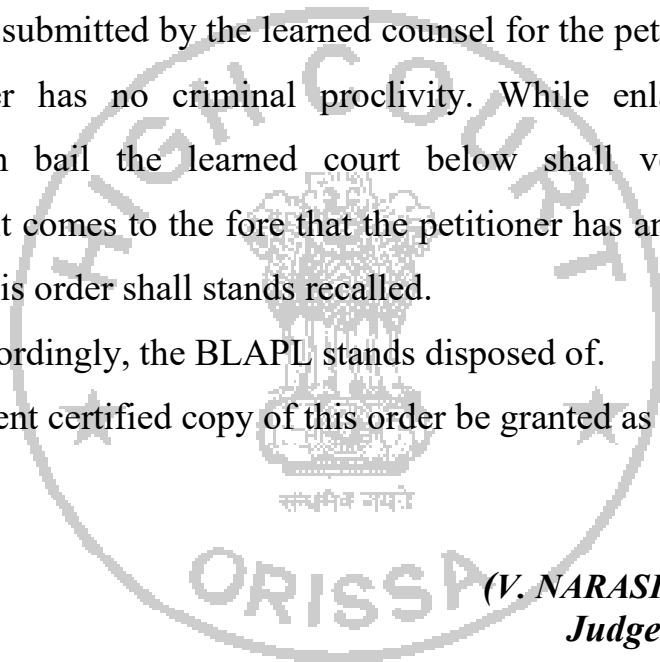
7. Learned counsel for the State opposes the prayer for bail during the currency of investigation.

8. Taking note of the fact that the petitioner was not identified in the T.I. parade, 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.

9. It is submitted by the learned counsel for the petitioner that the petitioner has no criminal proclivity. While enlarging the petitioner on bail the learned court below shall verify such assertion. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

10. Accordingly, the BLAPL stands disposed of.

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



Santoshi

(V. NARASINGH)
Judge