

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7961 of 2022

***Debashis Mahakud and
another***

....

Petitioners

Mr. S.R. Mohapatra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
05.09.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in G.R. Case No.544 of 2022 pending in the file of learned JMFC, Barbil., arising out of Joda P.S. Case No.189 of 2022, offence under Sections 364-A/34 of IPC and is in custody since 21.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Champua, Camp at Barbil by order dated 05.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused has been released on bail by this Court by order dated 26.08.2022 in BLAPL No.7626 of 2022. Hence petitioner seeks release on the ground of parity.

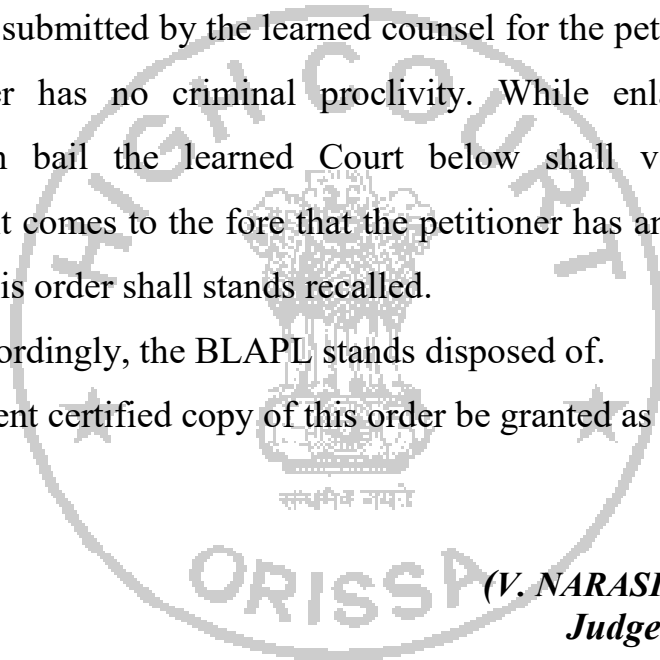
6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that in the earlier order it has been specifically noted that Petitioner No.1 is the principal accused hence the ground of parity cannot be placed into service.

7. Considering the nature of allegations vis-a-vi the petitioner and the punishment prescribed and taking into account the period of custody, this Court direct the petitioner to be released on bail on such terms and conditions to be fixed by the learned Court in seisin over the matter.

8. 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.

9. Accordingly, the BLAPL stands disposed of.

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



Santoshi