

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7977 of 2022

Pitamabar Sarabu

....

Petitioner

Mr. U. Barik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

06.09.2022

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 accused in Koksara P.S. Case No.106 of 2022 corresponding to C.T. Case No.122 of 2022, pending in the file of learned J.M.F.C., Koksara, under Section 399/402 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, Dharamgarh, by order dated 19.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by learned counsel for the petitioner that co-accused similarly circumstanced have been allowed to be released on bail by order dated 23.08.2022 in BLAPL No.7231 of 2022, hence release is sought for inter alia on the ground of parity.

7. Learned counsel for the State on the basis of the order of rejection submits that the petitioner is not similarly circumstanced inasmuch as there has been recovery from the present petitioner.

8. Considering the nature of allegations and release of the co-accused and considering that the petitioner has no criminal proclivity, this Court directs the petitioner to be released on bail on terms to be fixed by the Court in seisin over the matter.

9. While so releasing the learned Court in seisin over the matter shall verify as to whether the petitioner has any criminal antecedent, in the event it comes to the fore that the petitioner has any criminal antecedent, the order shall stand recalled without any further reference to this Court.

10. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once in a week till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha