

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8051 of 2022

***Srikhetra @ Shreekheta
Padhiary***

....

Petitioner

Mr. Devashis Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
29.09.2022**

Order No.

02.

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.48 of 2022 pending in the file of learned J.M.F.C., Khandapada, arising out of Khandapada P.S. Case No.50 of 2022 for offences under Section 302/114 IPC and Sections 3/4 of the Explosive Substances Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Nayagarh, by order dated 19.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the Petitioner that the Petitioner is the similarly circumstanced with the co-accused Brahmananda Padhiary, who has since been released on bail by

order dated 25.04.2022 in BLAPL No.2546 of 2022. The allegation against the present Petitioner is that he instigated the co-accused Naresh Majhi to hurl the bomb at the deceased.

7. Learned counsel for the State does not dispute the role ascribed to the present Petitioner qua the incident but submits that since the Petitioner was very much present and taking into account one of the sections in which FIR has been filed, the Petitioner is not entitled to be released on bail. It is further submitted that preliminary charge sheet has been filed and the Petitioner has been shown as absconder and the investigation is kept open.

8. Taking into account the release of the co-accused and the role ascribed to the present Petitioner, and the basis of implication, 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. While enlarging the Petitioner on bail, learned court below shall verify the assertion regarding his criminal proclivity. If it comes to the fore that the Petitioner has any criminal antecedent this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS