

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8053 of 2022

Basudev @ Basudeb Padhiary
& others

Petitioners

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 Petitioners and learned counsel for the State.
 3. The Petitioners 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 Sections 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 one Brahmananda Padhiary who has since been released on bail by order dated

25.04.2022 in BLAPL No.2546 of 2022. Since the charge sheet has already been filed against the present Petitioner, further continuance of the Petitioner in custody is unwarranted.

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.

8. Taking into account the release of the co-accused and the role ascribed to the present Petitioner, 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 the 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