

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 8086 of 2022**

***Tapas Kumar Nayak***

....

***Petitioner***

Mr. A.P. Bose, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. P.K. Maharaj, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**09.09.2022**

**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.180 of 2022 pending in the file of learned Additional Sessions Judge, Anandapur, Dist-Keonjhar arising out of Anandapur P.S. Case No.187 of 2022, offence under Sections 392/365/34 of IPC and is in custody since 24.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Anandapur by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that basis of implication is on account of co-accused statement of Sanu @ Swagat Biswal who has since been released on bail.

6. It is submitted that apart from same there is no other legally admissible material to implicate the petitioner. Hence the learned counsel for the petitioner seeks release.

7. Learned counsel for the State opposes the prayer for bail relying on the statement under Section 27 of the Evidence Act.

8. It is borne out from the record that the vehicle in question has already been recovered and considering the basis of implication and release of the co-accused, 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 stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

**(V. NARASINGH)**  
**Judge**

*Santoshi*