

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

**BLAPL No.7173 of 2021**

***Halu Behera and another***

....

***Petitioners***

*Mr. S. Pattanaik, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Part***

*Mr. M.K. Mohanty, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**15.02.2022**

**Order No.**

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the record as well as F.I.R.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.889 of 2017 arising out of Jatni P.S. Case No.340 of 2017 on the file of learned J.M.F.C.(O), Bhubaneswar for the commission of offences punishable under Sections 147/148/307/302/149, I.P.C..
5. Learned counsel for the Petitioner submits that the co-accused has already been enlarged on bail in B.A. No.1474 of 2017 by the learned Sessions Judge, Khurda, Bhubaneswar. He further seeks liberty to withdraw the present bail application and move a fresh bail application before the court below.
6. In such view of the matter, this Court permits the Petitioner to withdraw the bail application of the Petitioner and further liberty is

given to the Petitioner to move the court below again by filing a fresh bail application. In the event a fresh bail application is filed, the same shall be considered in accordance with law and keeping in view the principle of parity and that the same shall be considered and disposed of on its own merit without being influenced by any other factor.

7. With the aforesaid observation, the bail application stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

Jagabandhu

