

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8274 of 2022

Sunil Nahak

....

Petitioner

Mr. S.K. Pattnaik, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.09.2022

Order No.

01.

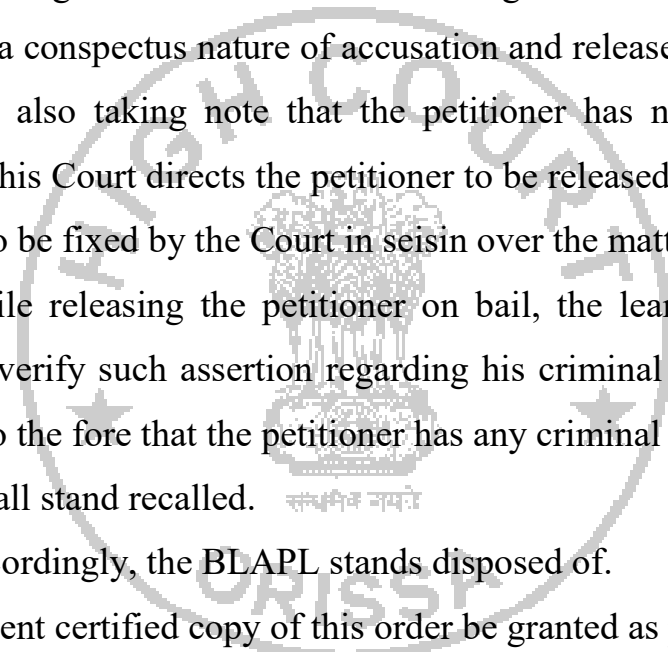
1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is accused in Kodala P.S. Case No.292 of 2020 corresponding to GR Case No.367 of 2020 committed to S.T. Case No.56 of 2022, pending in the file of the learned Additional District & Sessions Judge, Kodala, for alleged commission of offences under Sections 399/402 of IPC read with Section 27 of Arms Act and Section 4 & 5 of E.S. Act.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Kodala, by order dated 11.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner relying on the release of the co-accused by this Court by order dated 05.07.2021 in BLAPL No.737 of 2021, order dated 13.07.2021 in BLAPL No.5213 of 2021 and order dated 04.10.2021 in BLAPL

No.7808 of 2021, that as the petitioner is similarly circumstanced, on the ground of parity he be allowed to be released on bail.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that while the petitioner was released on interim bail, he did not surrender on expiry of the interim bail period.

7. Learned counsel for the petitioner submits that during the currency of the interim bail period, unfortunately father of the petitioner passed away for which he could not surrender and states that the same ought not to be held as a factor against him.

8. On a conspectus nature of accusation and release of the co-accused and also taking note that the petitioner has no criminal antecedent, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. While releasing the petitioner on bail, the learned Court below shall verify such assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled. 

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha