

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8607 of 2022

Bikash Behera

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.264 of 2022, pending in the Court of learned J.M.F.C., Digapahandi, arising out of Digapahandi P.S. Case No.197 of 2022, offence under Section 395 of IPC.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, LR & LTV, Berhampur, by order dated 03.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 27.06.2022 and the charge sheet has already been filed, which is on record, on 06.10.2022. He further submits that the basis of implication of the Petitioner is on account of the statement of the co-accused Kuna Pradhan, who has

been identified in the T.I Parade and it is also submitted that though a knife is stated to have been recovered at the instance of the Petitioner under Section 27 of the Evidence Act, the same has not been put in the T.I Parade. In the absence of any cogent material to connect the Petitioner with the alleged crime, save and except the implication of the Petitioner on the basis of the co-accused statement, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the amount is yet to be recovered and releasing the petitioner at this stage is not advisable, keeping in view his criminal proclivity.

7. It is submitted by the learned counsel for the petitioner that one co-accused Sada @ Sadananda Pradhan, who is similarly circumstanced, has since been released on bail by order dated 23.11.2022 in BLAPL No.10579 of 2022, hence on the ground of parity, the petitioner seeks release.

8. Considering the manner of implication and release of the co-accused, this Court directs the petitioner to be released on bail.

9. Keeping in view the criminal proclivity of the petitioner, suitable terms to be fixed by the learned Court in seisin.

10. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge