

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8630 of 2022

***Bichi @ Jitendra Naik &
Another***

....

Petitioners

Mr. G.K. Mohanty, 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 petitioners and learned counsel for the State.
2. The petitioners are accused in G.R. Case No.788 of 2022, pending in the Court of learned S.D.J.M., Dhenkanal, arising out of Dhenkanal Sadar P.S. Case No.273 of 2022, offence under Sections 454/395 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge (Vigilance), Dhenkanal by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioners are in custody since 26.07.2022 and the charge sheet has already been filed on 21.11.2022 under Sections 454/395 of IPC, hence their further continuance in custody is not warranted.

5. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioners have been identified in T.I. Parade.
6. Per contra, learned counsel for the petitioners submits that the T.I. Parade has been conducted in a perfunctory manner only to implicate the petitioner and the same ought not to weigh with the Court.
7. As rightly submitted by the learned counsel for the State, the infirmity in the T.I. Parade cannot be gone into at this stage.
8. Considering the petitioners are the first offenders as stated notwithstanding their identification in T.I. Parade and taking into account their period of custody, this Court directs the petitioners to be released on bail on terms to be fixed by the learned Court in seisin.
9. Before releasing the petitioners, learned Court in seisin shall verify assertion regarding the criminal antecedents. If it comes to the fore that the petitioners have **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 rules.

(V. NARASINGH)
Judge

Ayesha