

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8728 of 2022

Rabi @ Rabindranath Pradhan

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

Opposite Party

Mr. G.R. Mohapatra, ASC

Mr. S. Panda, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

11.11.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Vakalatnama filed by Mr. S. Panda is taken on record. Name of Mr. Panda, learned counsel for the informant be reflected in the file as well as in the cause list and CMS of this Court.
4. The petitioner is an accused in G.R. Case No.219 of 2022 pending in the file of learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S. Case No.43 of 2022, for alleged commission of offence under Sections 302/307/337/338/323/325/147/148/149 of IPC.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Nayagarh by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.
6. It is submitted by the learned counsel for the petitioner that the petitioner is similarly circumstanced with Srinibas Pradhan @

Sini Pradhan and Bikash Ranjan Pradhan, who have been released on bail by this Court by order dated 04.11.2022 in BLAPL No.7733 of 2022 and dated 12.07.2022 in BLAPL No.5744 of 2022 respectively.

7. It is submitted that the co-accused persons have already been released on bail by order dated 22.07.2022 in BLAPL Nos.6068, 6072,6076,6080 & 6084 of 2022.Hence, on the ground of parity, the petitioner seeks release.

8. Learned counsel for the State opposes the prayer for bail relying on the statement of Santosh Behera and Sasmita Das, the sister of the deceased.

9. On perusal of the above two statements, it is prima facie seen that the present petitioner is similarly circumstanced with the co-accused Srinibas Pradhan @ Sini Pradhan and Bikash Ranjan Pradhan who have since been released on bail.

10. Taking into account the generality of the allegations and keeping in view the release of the co-accused who are prima facie similarly placed, 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.

11. While enlarging the petitioner on bail the learned court below shall verify assertion regarding criminal antecedent of the petitioner of similar nature. If it comes to the fore that the petitioner has any such criminal antecedent this order shall stand recalled

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge