

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8795 of 2022

Durga @ Thulu Behera

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

Order No.

02.

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 an accused in C.T. Case No.343 of 2022 pending in the file of learned G.N.-cum-J.M.F.C., Sukinda, arising out of Kalinganagar(Duburi) P.S. Case No.167 of 2022, offence under Section 395 IPC and Sections 25/27 of the Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District and Sessions Judge, Jajpur Road by order dated 06.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the Petitioner that the co-accused, namely, Bubu Jena @ Shushanta Jena has been

released on anticipatory bail by this Court pursuant to the order dated 14.09.2022 in ABLAPL No.11085 of 2022 and other co-accused Mantu @ Manoja Jena has been released on bail by order dated 27.09.2022 in BLAPL No.9016 of 2022.

8. Taking into account the release of the co-accused and since the Petitioner is the first offender, 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. Additionally it is directed that the Petitioner shall appear before the I.O once every week till conclusion of the investigation.

9. While releasing the petitioner on bail the learned Court below shall verify criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

PKS

(V. NARASINGH)
Judge