

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8908 of 2022

Bemphi Behera

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.09.2022

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 connection with C.T. Case No.365 of 2021, pending in the file of learned S.D.J.M., Balliguda, arising out of Sarangada P.S. Case No.104 of 2021, for offences under Section 395 of IPC read with Section 25/27 of Arms 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, Balliguda, by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner is on a better footing than the accused Banti Nayak who has released on bail by this Court by order dated 04.04.2022 in BLAPL No.2136 of 2022, since the said co-accused has identified in the T.I. Parade, though the same has inadvertently not reflected in the order of this Court.

6. It is submitted that the implication of the petitioner is account of the co-accused statement and as Charge-sheet has already been filed, the petitioner seeks bail.

7. Learned counsel for the State opposes the prayer for bail stating that the present petitioner has criminal antecedents.

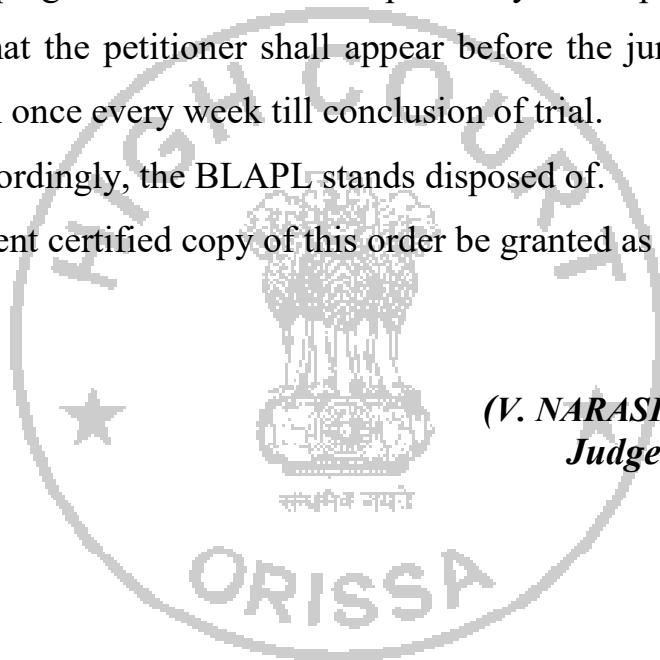
8. Considering the release of the co-accused who has been identified in the T.I. Parade, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge