

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9016 of 2022

Mantu @ Manoja Jena

....

Petitioner

Mr. B. Mahapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
27.09.2022

Order No.

01.

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 P.S. Case No.167 of 2022, offence under Section 395 IPC and Sections 25/27 of the Arms Act and is in custody since 21.08.2022.
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.

7. It is stated in Paragraph-5 of the bail application that the Petitioner has not been identified in the T.I Parade. Such averment is extracted hereunder;

“5..... In the T.I Parade the present Petitioner has not been identified.....”

8. Taking into account the release of the co-accused on anticipatory bail and the assertion relating to T.I Parade as noted above 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 enlarging the Petitioner on bail, learned court below shall verify the assertion relating to criminal antecedents and non identification of the Petitioner in the T.I Parade. In the event it is found that any of such assertions to be de hors of record, this order shall stand recalled without further reference to the Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS