

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9245 of 2022

Kunu @ Kartik Sethi

....

Petitioner

Mr. S.K. Pattanaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

29.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the State.
3. The petitioner is an accused in connection with G.R. Case No.2316 of 2022, pending in the Court of learned J.M.F.C. (Rural), Cuttack arising out of Tangi P.S. Case No.189 of 2022 for alleged commission of offences under Sections 147/ 148/ 452/ 341/ 294/ 506/ 507/ 353/ 332/ 336/ 427/ 323/ 325/ 307/ 379 and 149 of I.P.C.
5. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Cuttack by order dated 19.09.2022 in the aforementioned case, the present BLAPL has been filed.
6. It is submitted by the learned counsel for the petitioner that co-accused persons namely Durgamadhav Sahoo @ Sapan and another Debasis Mallick have been released on anticipatory bail by this Court by order dated 21.09.2022 in ABLAPL No.11448 of

2022 and order dated 24.09.2022 in ABLAPL No.12152 of 2022 respectively. Hence, inter alia on the ground of parity, he seeks release of the petitioner.

7. Learned counsel for the State opposes the prayer for the release of the petitioner.

8. Learned counsel for the informant on instruction submits that the Petitioner along with co-accused persons barged into the distribution office and committed the alleged offence and if the petitioner is released at this stage it will encourage others to commit such offences. Hence, petitioner ought not to be released on bail till the submission of final form.

9. Taking into account the release of the co-accused and role ascribed to the petitioner and injuries being simple in nature, 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.

10. Additionally it is directed the petitioner shall appear before the I.O. once every week till the submission of final form.

11. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge