

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9247 of 2022

***Babu @ Pratap Kumar
Pradhan***

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

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. 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.
4. 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 15.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that petitioner is similarly circumstanced with one Muna Pradhan, who is also not named in the FIR like the present petitioner and was directed to be released on bail by this Court by order dated

25.07.2022 in BLAPL No.6222 of 2022. Hence, he seeks release inter alia on the ground of parity.

6. And, it is also submitted by the learned counsel for the petitioner that one of the co-accused has already been released on bail by this Court by order dated 12.07.2022 in BLPAL No.5744 of 2022.

7. Learned counsel for the State on instructions submits that the petitioner is not similarly circumstanced. Hence on the ground of parity his case ought not to be considered.

8. Taking into account submissions of the learned counsel for the petitioner and release of the co-accused by this Court as per the order adverted to herein above, 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. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge