

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9250 of 2022

Kailash Majhi

....

Petitioner

Mr. J. Panda, 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 and learned counsel for the State.
3. The petitioner is an accused in connection with 2 (b) C.C. No.03 of 2022, pending in the Court of learned S.D.J.M., Bhawanipatna for alleged commission of offences under Sections 51 of Wild Life (Protection) Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Kalahandi, Bhawanipatna by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Learned counsel for the petitioner submits that the co-accused Rajib Majhi and Danara Hati have been released on bail by this Court by order dated 15.09.2022 in BLAPL No.8347 of 2022 and order dated 20.09.2022 in BLAPL No.8547 of 2022

respectively. Hence, he seeks release of the petitioner inter alia on the ground of parity.

7. Learned counsel for the State opposes the prayer for bail on the basis of the order of rejection and submits that the petitioner is not similarly circumstance in as much as there was seizure from the petitioner unlike the other co-accused, who have been released on bail.

8. Taking into account period of custody and nature of allegation, 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. 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 stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi