

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9310 of 2022

Gopinath Panigrahi

....

Petitioner

Mr. Anjan Kumar Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

10.10.2022

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 G.R. Case No.84 of 2022 pending in the file of learned S.D.J.M., Berhampur, arising out of Berhampur Town P.S. Case No.09 of 2022, for offence under Sections 419/420/423/465/466/467/471/474/120-B IPC and is in custody since 25.03.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Berhampur by order dated 03.08.2022 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, who were named in the FIR has since been released

on bail by this Court in BLAPL No.2445 of 2022 by order dated 25.04.2022, BLAPL No.6021 of 2022 by order dated 22.07.2022, BLAPL Nos.6668 of 2022 and 6672 by order dated 01.08.2022.

7. It is stated that the allegation against the Petitioner is that he impersonated the vendor. But, it is submitted that the same was done at the behest of the other co-accused persons, who have since been released on bail and as the Petitioner has no criminal antecedent, he is entitled to be released on bail, inter alia, on the ground of parity.

8. Learned counsel for the State on the basis of the order of rejection submits that the Petitioner is not entitled to be released on bail merely because the co-accused persons have already been released on bail.

9. Taking into account the release of the co-accused persons and the role ascribed to the Petitioner and that he has no criminal antecedent, as stated, 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. While enlarging the Petitioner on bail, learned court below shall verify the 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

PKS