

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9398 of 2022

Sekh Rajan

....

Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
12.10.2022

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 connection with S.T. Case No.192 of 2021, pending before the Court of the learned 3rd Additional Sessions Judge, Cuttack, arising out of Malgodown P.S. Case No.204 of 2020, for commission of offences under Sections 498-A/304(B)/306/406/34 of IPC read with Section 4 of D.P. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Cuttack, by order dated 19.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused have been released on bail by this Court by order dated 01.08.2022 in BLAPL No.10104 of 2021, hence inter alia on the ground of parity, the petitioner seeks release.

6. Learned counsel for the State opposes the prayer for bail and submits that the co-accused who have been released are not similarly placed inasmuch as they are the in-laws and since admittedly trial has commenced, the petitioner is not entitled to be released on bail.

7. It is on record that out of seven prosecution witnesses five have turned hostile including the sister of the deceased.

8. Taking note that the petitioner is facing an accusation under Section 306 of the IPC and the tenor of the witnesses examined, this Court directs the petitioner to be released on bail learned Court in seisin over the matter to fix such terms to ensure the presence of the petitioner on each date of trial.

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha

