

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9399 of 2022

Anu Khan

....

Petitioner

Mr. D. Mitra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, 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 G.R. Case No.948 of 2022, pending before the learned J.M.F.C.(C), Cuttack, arising out of Badambadi P.S. Case No.212 of 2022, for commission of offences under Section 395 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Cuttack, 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 the co-accused similarly circumstanced has been released on bail by this Court by order dated 22.09.2022 in BLAPL No.8682 of 2022, hence inter alia on the ground of parity, the petitioner seeks release.

6. Learned counsel for the State opposes the prayer for bail keeping in view the criminal antecedent and the manner in which the offence has been committed.

7. Considering that the petitioner is in custody since 25.07.2022 and release of the co-accused, 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.

8. To allay the legitimate apprehension of learned counsel for the State, it is additionally directed that the petitioner shall appear before the jurisdictional police station twice every week, the date and time to be fixed by the learned Court in seisin over the matter till the conclusion of trial, and such appearance shall be certified to the 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.

Ayesha

(V. NARASINGH)
Judge