

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9486 of 2022

Suka Sodi and another

....

Petitioners

Mr. P. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.12.2022

Order No.

03.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in C.T. Case No.175 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge Malkangiri, arising out of Mathili P.S. Case No.42 of 2019, for commission of alleged offences under Sections 147/ 148/ 342/ 121/ 121-A/124-A/302/149/435 of IPC read with Section 25 of Arms Act and read with Section 13/16/18/20 UAP Act and read with Section 17 of Criminal Law Amendment Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Malkangiri by order dated 08.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the occurrence has taken place on 11.03.2019 and the FIR was filed on 12.03.2019 and the petitioner is not named accused.

5. Learned counsel for the petitioners on instruction, submits that the basis of accusation is co-accused statement. It is also submitted that the co-accused who are similarly circumstanced have since been released on bail by this Court by series of orders which are on records i.e., order dated 07.12.2020 in BLAPL No.9630 of 2019, and 06.04.2021 in BLAPL No.7424 of 2020.

6. It is also stated that trial has not commenced. Hence, the petitioners seeks release inter alia on the ground of parity.

7. Taking into account the period of custody and basis of accusation and release of the co-accused, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Since the learned counsel for the petitioners is not in a position to appraise this Court regarding the criminal antecedents of the petitioners, learned Court before releasing shall verify the assertion regarding their criminal antecedent. If it comes to the fore that petitioners have criminal antecedents of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge