

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9596 of 2022

Nalu @ Bijay Biswal

....

Petitioner

Mr. S. N. Mishra-4, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

02.

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 S.T. No.09 of 2022/53 of 2021 pending on the file of learned Sessions Judge, Bhadrak, arising out of Naikandihi P.S Case No.110 of 2017, for commission of the offence under Section 395 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bhadrak by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner was remanded in the case at hand due to his criminal proclivity. It is further submitted that since the Petitioner is in

custody since 25.11.2017, his further continuance in custody is unwarranted.

6. Learned counsel for the Petitioner places on record the order dated 09.07.2019 passed by this Court in BLAPL No.4758 of 2018 relating to co-accused Bharat Sial.

7. Placing reliance on the release of the co-accused, the Petitioner seeks bail, inter alia, on the ground of parity.

8. Learned counsel for the State opposes the prayer for bail on the ground that the trial having not commenced, it would not be advisable to release the Petitioner on bail at this stage.

9. Taking into account the release of the co-accused, as noted above, 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.

10. Additionally, it is directed that the Petitioner shall appear before the jurisdictional Police Station of the learned Court in seisin over the matter once every week till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS