

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9872 of 2022

Kamalakanta Tripathy

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

27.10.2022

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.260 of 2022, pending in the file of learned N.G.N.-cum-J.M.F.C., Sanakhemundi, arising out of Pattapur P.S. Case No.267 of 2022, offence under Sections 419/420/467/468/471/120-B/34 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, Berhampur, Ganjam by order dated 24.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that petitioner is a deed writer and as such he has no complicity in the matter inasmuch as he has only reduced to writing the intention of the parties to the transaction. It is further submitted that co-accused has already been released on bail by this Court by order dated

21.10.2022 in BLAPL No.9676 of 2022; hence on the ground of parity the petitioner seeks release.

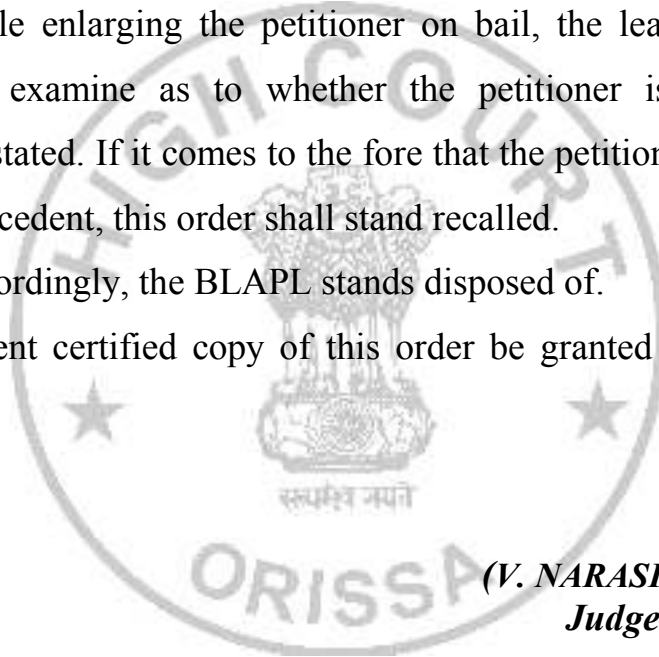
6. Learned counsel for the State opposes the prayer for bail on the basis of order of rejection.

7. Considering the release of the co-accused and role ascribed to the present petitioner, as a deed writer and that petitioner being a first offender, 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. While enlarging the petitioner on bail, the learned court below shall examine as to whether the petitioner is the first offender, as stated. If it comes to the fore that the petitioner has any criminal antecedent, 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

Santoshi