

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9897 of 2022

Hiranya Podh & Another

....

Petitioners

Mr. M.K. Mohapatro, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

09.12.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in C.T. Case No.319 of 2022, pending before the learned J.M.F.C., Kesinga, arising out of Kesinga P.S. Case No.333 of 2022, for commission of alleged offences under Sections 147/148/341/323/325/307/149/294/506 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Kalahandi, Bhawanipatna, by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners are in custody since 30.08.2022 and charge-sheet has been filed on 17.11.2022.
5. The copy of the charge-sheet submitted by the learned counsel for the petitioner is taken on record.
6. It is submitted that one of the co-accused has been released on bail by this Court. Hence, inter alia on the ground of parity, the petitioners seek release.

7. Learned counsel for the State opposes the prayer for bail and it is stated that the age of the co-accused weighed with this Court to release him. Hence, the petitioner cannot be said to be similarly circumstanced.

8. On perusal of the order dated 28.10.2022 in respect of the co-accused in BLAPL No.9960 of 2022, it is seen that the bail application of the petitioner Nos.2 & 3 therein, who are the petitioner in this BLAPL, was rejected, since the same was during the currency of investigation.

9. As admittedly charge-sheet is filed, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Learned counsel for the petitioners is not in a position to apprise this Court regarding the criminal antecedents of the petitioners.

11. Learned Court in seisin is called upon to verify assertion regarding criminal antecedents of the petitioners and in the event it is found that they have antecedents of similar nature, this order shall stand recalled.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha