

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9915 of 2022

Abdul @ Shardul Gaigaria ***Petitioner***

Mr. J.K. Panda, Advocate

-versus-

State of Orissa ***Opposite Party***

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in G.R. Case No.110 of 2021, pending in the file of the learned C.J.M.-cum-Assistant Sessions Judge, Sonapur, arising out of Birmaharajpur P.S. Case No.52 of 2021 corresponding to S.C. Case No.23/21 of 2022, for commission of alleged offences under Sections 395/120-B/216(A) of IPC read with Section 25(1-B)(a)/27 of Arms Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned C.J.M.-cum-Assistant Sessions Judge, Sonapur, by order dated 08.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 23.03.2021 and it is stated that in the meanwhile charge-sheet has been filed on 13.07.2021, further continuance of the petitioner in custody is unwarranted.

5. It is stated by the learned counsel for the petitioner, on instructions that out of total amount Rs.12,00,000/- (Rupees twelve

lakhs), Rs.9,65,000/-(Rupees nine lakhs sixty five thousand) has been recovered from the petitioner. And that the co-accused from whom similar recovery was made was released on bail by this Court by order dated 22.11.2022 in BLAPL No.6000 of 2021. Hence, on the ground of parity, the petitioner seeks release.

6. It is also submitted by the learned counsel for the petitioner that two other accused persons have since been released on bail by this Court by order dated 22.06.2022 and 02.08.2022 in BLAPL Nos.4283 & 5624 of 2021 respectively.

7. Learned counsel for the State opposes the prayer inter alia on the ground of criminal antecedents of the petitioner.

8. Considering the release of the co-accused as noted hereinabove and recovery of the substantial amount, this Court directs the petitioner to be released on bail. Learned Court in seisin to fix suitable terms so as to ensure the presence of the petitioner on each date of trial

9. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge