

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10093 of 2022

Bikash Suna and another

....

Petitioners

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

12.12.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in G.R. Case No.333 of 2022, pending in the file of learned J.M.F.C., Laxmipur, arising out of Kakiriguma P.S. Case No.86 of 2022, for commission of alleged offences under Sections 394 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Koraput by order dated 28.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioners are in custody since 18.08.2022. The basis of implication is co-accused statement.
5. It is also further submitted that co-accused Susanta Sahu has since been released on bail by this Court by order dated

24.11.2022 in BLAPL No.10785 of 2022. Hence on the ground of parity the petitioner seeks release.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the case has now turned to one under Section 395 of IPC and the petitioners have criminal antecedents. The motor cycle which was taken away from the informant was recovered from the petitioner. Hence the ground of parity does not stand to reason.

7. Taking into account the nature of allegation and the punishment prescribed, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Keeping in view the criminal proclivity of the petitioners, it is directed that the petitioners 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge