

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10195 of 2022

Rahul Naik @ Pabitra Naik ***Petitioner***

Mr. S.K. Mahanty, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

07.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.456 of 2019, pending in the file of learned S.D.J.M., Bhanjanagar, arising out of Bhanjanagar P.S. Case No.226 of 2019, for commission of alleged offences under Sections 353/307/34 of IPC read with Section 25(1-B) (a)/27 of Arms Act and Section 3, 4 and 5 and I.E. Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhanjanagar by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 19.07.2022 and as charge sheet has already been filed on 21.02.2020 showing him as an absconder.
5. Learned counsel for the petitioner also relies on the orders passed by the learned Sessions Judge directing release of the co-

accused Suresh Sethi @ Jadia @ Dadhi and one Simanchala Naik. Hence, inter alia on the ground of parity he seeks release of the petitioner.

6. Learned counsel for the State opposes the prayer for bail.

7. It is submitted by the learned counsel for the petitioner that the basis of implication was on account of co-accused statement. Hence the co-accused persons who named in have already been released on bail, his prayer be favourably considered.

8. Taking into account the period of custody and filing of charge sheet and release of the co-accused as noted, 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.

9. Keeping in view criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time 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

Santoshi