

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10262 of 2022

Nilu Palei @ Mitu

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

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 connection with G.R. Case No.617 of 2022, pending in the file of the learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S. Case No.149 of 2022, for alleged commission of offences under Sections 379/411/413/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Nayagarh, by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 14.09.2022 and as there has been recovery of the stolen motor cycle, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has criminal antecedent and the factum of recovery of 10 motor cycles unerringly point out to his complicity.

7. It is submitted by the learned counsel for the State that merely because the co-accused has been released on bail, ground of parity cannot be pressed into service in the case at hand.

8. Taking into account the petitioner is in custody since 14.09.2022 and keeping in view the nature of allegations, 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. Additionally, it is directed that the petitioner shall appear before the Investigating Officer twice every week on such date and time of appearance to be fixed by the learned Court in seisin over the matter till submission of final form.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha