

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10357 of 2022

Babula Harijan

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

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 G.R. Case No.116 of 2020 pending on the file of learned S.D.J.M., Jeypore, arising out of Baipariguda P.S. Case No.22 of 2020, for commission of the offence alleged under Section 395 IPC.
 4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District & Sessions Judge-cum-Special Judge, Vigilance, Jeypore by order dated 07.07.2022 in the aforementioned case, the present BLAPL has been filed.
 5. It is submitted by the learned counsel for the Petitioner, relying on the order of rejection, that the Petitioner has been implicated on the basis of the statement of the co-accused- Bhima Pangi and Banabasi Khilla. It is on record that both the co-accused

i.e. Bhima Pangi has been released on bail by this Court by order dated 16.10.2022 in BLAPL No.3625 of 2020 and Banabasi Khilla by order dated 07.07.2020 in BLAPL No.198 of 2020 (T) by the learned Court in seisin. Hence, on the ground of parity, learned counsel for the Petitioner prays for release of the Petitioner.

6. Learned counsel for the State, relying on the order of rejection, which ex facie shows that the Petitioner has criminal antecedent, opposes the prayer for bail.

7. Considering the release of the co-accused and the basis of implication of the Petitioner and there being no recovery from the Petitioner, this Court directs the Petitioner to be released on bail on such terms to be filed by the learned Court in seisin over the matter.

8. Keeping in view his criminal proclivity, additionally, it is directed that the Petitioner shall appear before the jurisdictional police station of the learned Court in seisin once every week till the conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS