

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10440 of 2022

***Lucky @ Sk. Abdul Asif &
another***

....

Petitioners

Mr. P.S. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
15.12.2022**

Order No.

02.

1. Heard learned counsel for the Petitioners and learned counsel for the State.
2. The Petitioners are accused in C.T Case No.523 of 2022 pending on the file of learned S.D.J.M., Balasore arising out of Balasore Town P.S. Case No.130 of 2022, for commission of offence alleged under Section 395/398 IPC and Section 27 of the Arms Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Balasore by order dated 18.10.2022 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 18.02.2022 and charge sheet is filed on 14.10.2022.
5. Learned counsel for the Petitioners on the basis of instruction submits that the Petitioners have not been identified in the T.I Parade and taking into account the period of custody and implication being based on

the confession of the co-accused, their further continuance in custody is not warranted.

6. It is also submitted that Rs.25,000/- was recovered from Petitioner No.1 whereas there has been no recovery from Petitioner No.2.

7. Learned counsel for the State, on instruction, submits that Petitioner No.1 has three criminal antecedents including one under Section 302 IPC and that there is no instruction regarding criminal antecedent of Petitioner No.2.

8. Considering the criminal antecedent of Petitioner No.1, this Court is not inclined to entertain the prayer for bail of Petitioner No.1.

9. Accordingly, the prayer for bail of Petitioner No.1 stands rejected.

10. So far as the prayer for bail of Petitioner No.2-Sk. Sadat @ Aryan @ Stylish Sonu is concerned, this Court directs the Petitioner No.2 to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

11. Additionally it is directed that Petitioner No.2 shall appear before the jurisdictional police station once every week till conclusion of trial.

12. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS