

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10469 of 2022

Rabi Rao

....

Petitioner

Mr. D. Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with C.T. Case No.161 of 2021, pending before the learned 5th Additional District & Sessions Judge, Bhubaneswar, arising out of Khandagiri P.S. Case No.177 of 2019, for alleged commission of offences under Section 395 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 5th Additional District Judge, Bhubaneswar, by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that charge-sheet in the case at hand has been submitted on 24.01.2020 showing the petitioner as an absconder.

5. It is stated that because of the criminal proclivity of the petitioner, he has been remanded in the case at hand.

6. Learned counsel for the petitioner relies on the order in respect of the co-accused dated 24.09.2020 in BLAPL No.2822 of 2020 and seeks release inter alia on the ground of parity.

7. Learned counsel for the State opposes the prayer for bail on the ground that the petitioner has criminal antecedents of similar nature. Hence, he ought not to be released on bail, merely because other co-accused have been released on bail.

8. Learned counsel for the petitioner on instruction submits that once being taken into custody, the petitioner has been framed in other cases.

9. Keeping in view the nature of accusations in the case at hand and release of the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Keeping in view the criminal proclivity of the petitioner, it is additionally directed that the petitioner shall appear before the jurisdictional police station twice every week till conclusion of trial and he shall not leave the territorial jurisdiction of the Court in seisin without its express permission.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha