

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10535 of 2022

Taraka Daleya and others ***Petitioners***

Mr. R. Roy, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.12.2022

Order No.

02.

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

2. The petitioners are accused in G.R. Case No.39 of 2022, pending in the file of learned J.M.F.C., Patrapur, arising out of Jarada P.S. Case No.27 of 2022, for commission of alleged offences under Sections 147/148/294/323/324/325/326/307/506/149 of IPC read with 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 2nd Additional Sessions Judge, Berhampur by order dated 20.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioners are in custody since 14.10.2022 and investigation has progressed substantially and one of the co-accused Turuka Dillip Rao has been released on bail by this Court by order dated 26.04.2022 in BLAPL No.2798 of 2022. Hence he seeks release inter alia on the ground of parity.

5. Learned counsel for the State opposes the prayer for bail. On scrutiny of the materials on record it is seen that the petitioner Nos.3, 4 and 5 have criminal antecedents of similar nature which has also been taken note by the learned Court in seisin in the order of rejection.

6. Keeping in view that since the investigation is continuing, this Court is **not inclined** to entertain the bail application of Petitioner Nos.3, 4 and 5 at this stage.

7. It shall be open to the Petitioner Nos.3, 4 and 5 to move after submission of charge sheet. Learned Court shall considering their bail application on its own merit without being influenced by the earlier rejection or the order passed by this Court.

8. Taking into account the release of the co-accused as noted, this Court directs the Petitioner Nos.1 and 2 to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge