

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10545 of 2022

Sk Sukar @ Suka & Another

Petitioners

Mr. A.K. Jena, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in G.R. Case No.83 of 2022, pending in the file of learned J.M.F.C., Bhapur, arising out of Fategarh P.S. Case No.84 of 2022, offence under Sections 457/380 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Khandapada, by order dated 17.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioners that the petitioners are in custody since 27.05.2022 and as charge sheet has already been filed on 25.08.2022 and basis of implication

is on account of co-accused statement, further continuance of the petitioners in custody is not warranted.

7. Learned counsel for the petitioner also relies on the order passed in respect of co-accused by order dated 21.11.2022 in BLAPL No.6700 of 2022 and submits that the petitioners are similarly circumstanced. Hence, on the ground of parity, the petitioners seek release.

8. Learned counsel for the State though not disputing the basis of implication of the petitioners submits that in view of the criminal antecedent of the petitioners, as noted, they ought not to be released on bail at this stage.

9. Considering the basis of implication and filing of charge sheet, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. Keeping in view the criminal proclivity of the petitioners as alleged, this Court directs the petitioners to appear before the jurisdictional police stations once every week till conclusion of trial. And, additionally it is directed that one of the sureties shall be immediate member of the family.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge