

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10657 of 2022

Nilu Patra

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.11.2022

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. (GN) Case No.240 of 2022, pending in the file of learned N.G.N, Ghasipura, Dist-Keonjhar, arising out of Ghasipura P.S. Case No.129 of 2022, for commission of alleged offences under Sections 395/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Anandapur by order dated 27.10.2022 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 petitioner that the co-accused similarly placed has already been enlarged on bail by this Court by order dated 04.11.2022 in BLAPL No.10201 of 2022.

7. It is submitted by the learned counsel for the petitioner that the petitioner has not been identified in the T.I. Parade as borne out from the order of rejection and the basis of implication is on account of co-accused statement.

8. It is also submitted on instructions that the petitioner does not have criminal antecedent.

9. Taking into account the manner of implication and punishment prescribed and the period of custody since 01.06.2022 and filing of charge-sheet in the meanwhile on 02.10.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. While releasing the petitioner on bail, the learned Court below shall verify assertions regarding criminal antecedent of similar nature of the petitioner. If it comes to the fore that the petitioner has any such criminal antecedent, this order shall stand recalled without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi