

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10776 of 2022

***Mangulu @ Abdul Hamir
Khan***

....

Petitioner

Mr. A. R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
22.12.2022**

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. Case No.167 of 2022, pending on the file of the learned S.D.J.M., Balasore arising out of Sahadevkhunta P.S. Case No.50 of 2022, for commission of alleged offences under Sections 395 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-P.O., Designated Court OPID, Balasore, by order dated 18.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is stated to be taken into custody since 05.07.2022 and has been remanded in the case at hand and also submitted that as charge sheet has already been filed, further continuance in the custody is uncalled for.
5. Learned counsel for the petitioner also relies on the order dated 23.11.2022 in respect of the co-accused Manas Nayak in

BLAPL No.6933 of 2022 and claims parity. It is also stated that two other co-accused have since been released on bail by this Court by order dated 02.05.2022 in BLAPL No.3116 of 2022 and order dated 20.05.2022 in BLAPL No.4336 of 2022 namely Mittu @ SK. Sabir and SK. Saheb Ali @ AK. Saif Ali from whom the seizure was effected.

6. On instruction, it is submitted that there has been no seizure from the petitioner and as persons with greater complicity have since been released on bail, it is prayed that his bail application may be favourably considered.

7. Learned counsel for the State on going through the Case Diary, points out that the cash involved in the crime i.e. amount of Rs.3,20,000/- (Rupees Three Lakhs Twenty Thousand) has so far not been recovered and submits that the petitioner has criminal antecedent. Hence, merely because charge-sheet has been filed and co-accused has been released on bail, the petitioner ought not to be released on bail.

8. Considering the period of custody and the released 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.

9. Considering the criminal antecedent of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge