

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11001 of 2022

Jayadev Panda

....

Petitioner

Mr. U. Barik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
07.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.2018 of 2022, pending in the file of learned S.D.J.M., Berhampur, arising out of Baidyanathpur P.S. Case No.295 of 2022, for commission of alleged offences under Sections 120-B/419/420/467/468/471/474 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Berhampur by order dated 18.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. Perused the order of rejection.
5. It is submitted by the learned counsel that the only role ascribed to the present petitioner is that he signed as a witness in the document on account of which the informant was duped.

6. Learned counsel for the petitioner places on record the orders of this Court dated 08.09.2022, 30.09.2022 and 10.10.2022 in ABLAPL Nos.10706, 10815, 12893 of 2022 respectively in which the accused persons have since been released on bail.

7. It is submitted that the co-accused with greater complicity have been allowed to be released on bail. Hence, on the ground of parity he seeks release of the petitioner.

8. Learned counsel for the State opposes the prayer for bail during the currency of investigation.

9. Considering the nature of allegations and release of the co-accused as noted, 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. Additionally, it is directed that the petitioner shall appear before the Investigation Officer once every week on such date and time be fixed by the learned Court in seisin till submission of final form.

11. While enlarging the petitioner on bail, the learned court below shall verify assertion regarding criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, this order shall stand recalled.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge