

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11043 of 2022

S.K. Kaliya

....

Petitioner

Mr. S.P. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

01.

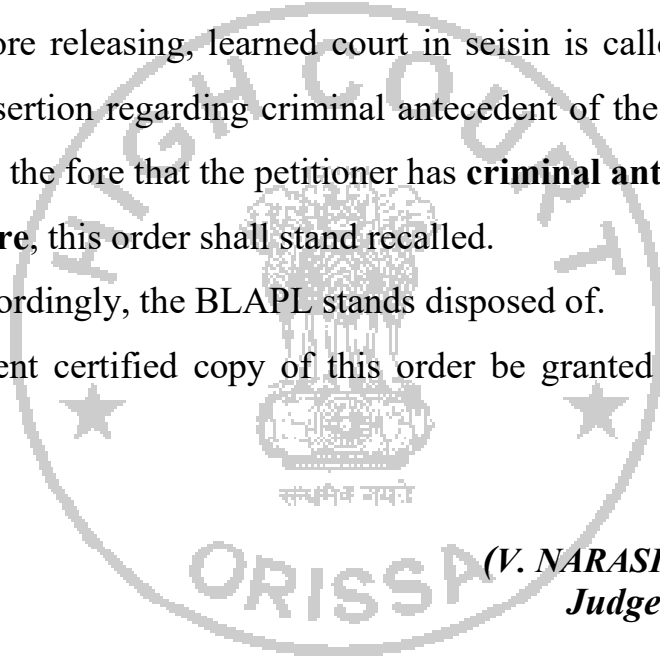
1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in C.T. Case No.217 of 2019, pending in the file of learned S.D.J.M., Nilgiri, arising out of Oupada P.S. Case No.40 of 2019, for commission of alleged offences under Sections 394/411/414 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Asst. Sessions Judge, Nilgiri by order dated 31.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is stated that the petitioner is in custody since 18.10.2022 and keeping in view the manner in which he has been implicated in the case at hand on account of the statement made by the co-accused Samir Barik, the petitioner seeks release.

5. It is submitted that the said co-accused Samir Barik has since been released on bail by this Court by order dated 07.12.2022 in BLAPL No.11018 of 2022.
6. Perused the order of rejection.
7. Considering the basis of implication and period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
8. Learned counsel for the petitioner files a memo indicating that petitioner is the first offender which is taken on record.
9. Before releasing, learned court in seisin is called upon to verify the assertion regarding criminal antecedent of the petitioner. If it comes to the fore that the petitioner has **criminal antecedent of similar nature**, this order shall stand recalled.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per the rules.



(V. NARASINGH)
Judge

Santoshi