

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11052 of 2022

MD. Gulam Asraf

....

Petitioner

Mr. A.K. Raut, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, 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 connection with C.T. Case No.2525 of 2022, pending in the Court of learned S.D.J.M., Jharsuguda, arising out of Jharsuguda P.S. Case No.559 of 2022, for alleged commission of offences under Sections 399/402 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Jharsuguda, by order dated 04.11.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 30.09.2022.
5. It is submitted that the co-accused similarly circumstanced have been granted bail by this Court by order dated 29.11.2022 in BLAPL No.10867 & 10890 of 2022. Hence, on the ground of parity, the petitioner seeks release.

6. Learned counsel for the State opposes the prayer for bail relying on the order of rejection, keeping in view the criminal proclivity of the petitioner.

7. Taking into account the period of custody and release of the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the Investigating Officer once every week till submission of final form.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha

