

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11091 of 2022

Lokanath Bag

....

Petitioner

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.12.2022

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.191 of 2022, pending in the file of the learned J.M.F.C., Sinapali, arising out of Sinapali P.S. Case No.198 of 2022, for alleged commission of offences under Sections 147/323/325/353/307/294/506/149 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, Nuapada, by order dated 15.10.2022 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 08.08.2022 and it is stated on instruction that charge-sheet has been filed.

5. Learned counsel for the petitioner submits that the co-accused has been released by this Court by order dated 21.11.2022

in BLAPL No.10619 of 2022. Hence, on the ground of parity, the petitioner seeks release.

6. On perusal of the order in aforesaid BLAPL, it is seen that this Court considering the health of the injured and that the principal accused is one Hero Bag, directed release of the petitioner therein.

7. This Court finds force in the submission of the learned counsel for the petitioner that he is at all fours with the co-accused, who has since been released on bail.

8. Considering the release of the co-accused as noted above, 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.

9. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial.

10. It is made clear that this order shall not be cited as a precedent so far the co-accused Hero Bag is concerned, whose application, keeping in view the allegation that he is the master mind in the assault, to settle scores with the wife of the petitioner, shall be considered on its merits.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha