

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11097 of 2022

Dillip @ Jhasketan Mallick ***Petitioner***

Mr. M.K. Chand, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. K.K. Gaya, 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.335 of 2022, pending in the file of the learned J.M.F.C., Khariar, arising out of Khariar P.S. Case No.342 of 2022, for alleged commission of offences under Sections 147/148/294/323/325/307/149 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Khariar, 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 was initially granted anticipatory bail by order dated 16.09.2022 in ABLAPL No.11327 of 2022.

5. On instructions, it is stated that present petitioner was petitioner No.2 in the said case.

6. Learned counsel for the petitioner submits that due to alleged discrepancies in the name, which could not be reconciled, the petitioner was not released on bail whereas the other accused persons were released on anticipatory bail in terms of the order passed by this Court by order dated 16.09.2022 in ABLAPL No.11327 of 2022. Hence, on the petitioner seeks release.

7. Learned counsel for the State opposes the prayer for bail relying on the order of rejection.

8. It is submitted that the order of rejection clearly states that the petitioner has criminal antecedents. Hence, the ground of parity has not been rightly taken into account.

9. Considering that the petitioner was initially released on anticipatory bail by this Court and release of the co-accused as noted and substantial progress in investigation, 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 jurisdictional police station once every week till submission of final form.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha