

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11131 of 2022

Akash Singh and another *Petitioners*

Mr. C. Behera, Advocate

-versus-

State of Odisha *Opposite Party*

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.12.2022

Order No.

- 01.** 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in G.R. Case No.1275 of 2022, pending in the file of learned S.D.J.M. (Sadar) Cuttack, arising out of Purighat P.S. Case No.241 of 2022, for commission of alleged offences under Sections 395 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Spl. Judge (Vigilance) Cuttack by order dated 01.11.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by that petitioners are in custody since 08.10.2022 and on instruction, it is stated that there has been no recovery from them and they have not been put to T.I. parade.
5. It is further submitted that the co-accused have been released on bail by this Court by order dated 30.11.2022 in BLAPL No.10919 of 2022. As petitioners are similarly circumstanced, they may be released on bail since **they are the first offenders.**

6. Learned counsel for the State opposes the prayer for bail and refutes the submission of petitioner being similarly circumstanced.

7. Taking into account the submissions learned counsel for the petitioner as noted, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Before releasing the petitioners on bail, the learned Court in seisin is called upon to verify the assertions relating to the non-seizure and non-identification in T.I. parade of petitioners and their criminal antecedent. If it comes to fore that any of the submission made at the bar qua the petitioners is incorrect, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge