

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11412 of 2022

Dibyajyoti Nayak

....

Petitioner

Mr. C.R. Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

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 G.R. Case No.397 of 2022, pending in the Court of the learned S.D.J.M., Rairakhol, arising out of Charnal P.S. Case No.90 of 2022, for alleged commission of offence under Section 395 IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Rairakhol, by order dated 10.11.2022 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 17.07.2022 and charge-sheet has been filed on 27.10.2022.
5. It is further submitted that the co-accused with greater complicity inasmuch as from whose godown there was recovery of

stolen articles has since been released on bail by order dated 30.11.2022 in BLAPL No.9086 of 2022. Hence, he seeks release on bail.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the Petitioner is not similarly placed with the co-accused who has since been released on bail. He further submits that the Petitioner has one criminal antecedent of similar nature.

7. Taking into account that the Petitioner has not been identified in the T.I Parade and the 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. Taking into account the criminal proclivity, additionally it is directed that the Petitioner shall appear before the jurisdictional police station once every week till conclusion of trial. The date and time to be fixed by the learned Court in seisin over the matter. Certification of such appearance shall be submitted to the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS