

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11326 of 2021

Midiami Ganga

....

Petitioner

Mr.J.K.Panda, *Advocate.*

-versus-

State of Odisha

....

Opp. Party

Sk.Zafrulla,A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.01.2022

Order No.

02.

This matter is taken up through Video Conferencing mode.

2. This is an application under section 439 Cr.P.C. filed by the Petitioner for bail in connection with M.V.79 P.S.Case No.22 of 2011 corresponding to C.T.Case No.79 of 2021, pending in the Court of the learned Sessions Judge-cum-Special Judge, Malkangiri, for alleged commission of offences under Sections 147, 148, 120(B), 121-A, 122 121, 283, 307/149 of the Indian Penal Code read with Sections 3 & 4 of E.S. Act and 17 Cr.L.A.Act.

3. Learned counsel for the Petitioner seeks liberty to withdraw the bail application to move the court below afresh. He further submits that some of the co-accused persons have also been acquitted and some have been released on bail in the present case.

4. Considering such submission of the learned counsel for the Petitioner while permitting him to withdraw the bail application he is given liberty to move the learned Court below in seisin over the matter and further it is directed that the learned court below shall

consider the bail application of the petitioner keeping in view the fact that some of the co-accused persons have been acquitted and some have been released on bail in this case and in the event the Petitioner is found on similar footing with that of the co-accused persons, his case may be considered on parity.

5. With the aforesaid observation, the bail application is disposed of.

6. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(*A.K. Mohapatra*)
Judge

RKS