

BLAPL No.783 of 2016

31.3.2016

Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application under Section 439 Cr.P.C. in connection with S.T. Case No.36/27 of 2015 arising out of Dharuadihi P.S. Case No.31 of 2012 pending in the Court of learned C.J.M-cum-A.S.J., Sundargarh for offences punishable under sections 332/365/395/307/ 427 IPC read with section 25/27 of the Arms Act.

The petitioner moved an application for bail before the Court of learned C.J.M-cum-A.S.J., Sundargarh which was rejected on 11.1.2016.

Learned counsel for the petitioner submits that the petitioner was taken into custody on the basis of confessional statement of the co-accused and he is in custody since 2012 and in the meantime, after completion of investigation, charge sheet has been submitted under sections 332/365/395/307/427 IPC read with section 25/27 of the Arms Act. He further submits that no T.I. parade has been conducted to establish the identity of the petitioner in connection with the crime. He further submits that one of the co-accused namely Bablu Tanty approached this Court in an application under section 439 Cr.P.C. and he has been directed to be released on bail by this Court in BLAPL No.3056 of 2015 vide order dated 14.9.2015. In support of such contention, learned counsel for the petitioner files a copy of the bail order which is kept on record.

Learned counsel for the State produced the case diary and submits that T.I. parade has not been conducted in this case.

Considering the submissions of learned counsels for the respective parties, the nature of accusation against the petitioner, absence of any T.I. parade identification and considering the fact that the only material available against the petitioner is the confessional statement of co-accused before the police as well as release of the co-accused on bail, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000.00 (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

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S. K. Sahoo, J.