

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 167 of 2022

Kesab Pangi @ Hontal

.... **Petitioner**

Mr. A.R. Panda, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
29.03.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 28.11.2021 in connection with Boipariguda P.S. Case No.79 of 2009 corresponding to C.T. Case No.53 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Jeypore for the alleged commission of offence under Sections 147/148/323/326/302/201/149 of IPC.
4. The allegation is that the petitioner being associated with some other persons assaulted the deceased and one Ruti Harijan, causing the death of the deceased and severe injuries to the said Ruti Harijan. Though the petitioner's name has been mentioned in the FIR and also several witnesses has referred to in the role in the assault, yet in the original trial held against the accused, Dhana Khilla relating to very same occurrence, none of the witnesses have even whispered the name of the present petitioner as being involved in the occurrence. This Court has also granted bail to some co-accused persons as per order passed in BLAPL Nos.

11444 of 2021 and BLAPL No.1965 of 2022.

5. Having regard to the above facts, the period of detention in custody and the absence of prima facie materials to show the involvement of the accused in the alleged occurrence, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

