

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.269 of 2022

Chandan Behera

....

Petitioner

Mr. Millan Kanungo, Sr. Advocate
Mr.S. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.3.2022.

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. Millan Kanungo, learned Senior counsel for the Petitioner and Mr. P.K.Maharaj, learned Addl. Standing Counsel for the State.
 3. The petitioner is in custody since 2nd September, 2021 in connection with Malgodown P.S. Case No.184/2014 corresponding to G.R. Case No.1877-B/2014 pending in the court of learned J.M.F.C. (City), Cuttack, for the alleged commission of the offence under Sections 302/307/120-B/212/34 of I.P.C, Sections 25 and 27 of the Arms Act.

4. It is submitted that except for the allegation that he helped the principal accused persons to escape to Vizag after committing the crime, there is no other material against him. It is further submitted that in the original trial all the accused persons have been acquitted.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the motor cycle used during commission of the crime was recovered from the possession of the present Petitioner and he helped the principal accused to escape.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that there is no specific allegation against the Petitioner as regards the commission of the alleged offence, I am inclined to allow the prayer for bail.

7. Let the Petitioner be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall appear before the trial court below on each date of posting of the case without fail and in case of even one single default, N.B.W. shall be issued to take him to custody again. Further, he shall appear before the I.I.C. of Malgodown P.S. once every fortnight for a period of six months and such fact shall be certified by the I.I.C. to the concerned court once every month.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

