

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 392 of 2022

Prasanta Kumar Swain

....

Petitioner

Mr. S.R. Mohapatra, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.07.2022

Order No.
04.

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 26.01.2021 in connection with Kodala P.S. Case No.23 of 2021 corresponding to S.T. Case No.26 of 2021 pending in the Court of learned Addl. Sessions Judge, Khallikote for the alleged commission of offence under Sections 302/379/120-B/34 of IPC.
4. It is alleged that four persons came in a car being armed with guns and fired indiscriminately at the deceased, due to which he died at the spot. All the culprits fled away from the spot. In so far as the present petitioner is concerned, he is said to be the driver of the car in which the culprits had escaped after the occurrence. The petitioner was implicated on the basis of his disclosure statement under Section 27 of the Indian Evidence Act as he is said to have given recovery of the car, mobile phone of the deceased, available empty magazine and live ammunitions, which were kept on the back seat of the said car. As it appears, prima facie, there are no

materials to show that the petitioner had assaulted the deceased. His implication is only on the basis of his statement leading to recovery of certain articles.

5. Considering the above as also taking into account the period of detention in custody and the fact that charge sheet has already been submitted, 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:

(i) He shall personally appear before the court in seisin over the matter on each date of posting of the case without fail and in case of even a single default this order shall be treated as automatically cancelled and the said court shall issue NBW to take him to custody again.

(ii) He shall not threaten, terrorize or try to influence any witness.

(iii) He shall appear before the IIC of Kodala P.S. on every Monday at 10 a.m. for a period of six months and such fact shall be certified by the IIC to the concerned court once in a month.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge