

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.622 of 2022

Raghu Naik and another

....

Petitioners

M/s. R. Biswal
Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
18.7.2022.

Order No.

- 04.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
 3. The petitioners are in custody since 07.09.2021 in connection with Bikrampur P.S. Case No.226 of 2021 corresponding to G.R. Case No.1613 of 2021 pending in the Court of learned S.D.J.M., Talcher for the alleged commission of offence under Section 302 of IPC.

4. The prosecution allegation is that the present accused along with some other persons caused the death of the deceased.

5. Learned counsel for the petitioners submits that no one was named in the FIR and they were implicated in the case entirely on the so called confessional statement of the co-accused. He further submits that there is no other material to show their involvement in the occurrence.

6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that in this case the last seen theory is applicable and in any case the confessional statement of the accused recorded under Section 27 of the Indian Evidence Act clearly suggests that the petitioners also had a role to play in the occurrence.

7. Having considered the rival submissions, the materials on record, the period of detention already undergone and the fact that except for the confessional statement of the co-accused, there is no other legally acceptable evidence showing their complicity, I am inclined to allow the prayer for bail. Let the petitioners 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 they shall personally appear before the trial Court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

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

AKB c

(Sashikanta Mishra)
Judge

