

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 610 OF 2021

Bhagatram Pujari

..... *Petitioner*
Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
24.06.2022

Order No.

05.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with C.T. Case No. 81 of 2020 arising out of Mathili P.S. Case No. 91 of 2020, pending on the file of the learned Sessions Judge, Malkangiri for the alleged commission of offence under Sections-302/201/34 of the IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Malkangiri by Order dtd. 01.10.2020 in B.A No. 146 of 2020, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.
5. Learned counsel for the petitioner submits that the petitioner is in custody since 27.6.2020.

6. On the basis of recitals in the Case Diary, it is seen that the petitioner has made extra judicial confession before one Lokinath Pujari, whose statement has been recorded under Section 164 Cr.P.C. Before the said witness, the petitioner is stated to have told about committing murder of an unknown person and going to surrender.

7. Initially, along with the petitioner one Siba Pujari and Lokinath Pujari were arrayed as accused persons while filing charge sheet, the Investigating Agency has found that only the petitioner is the author of the crime and accordingly has been charge sheeted under Section-302/201/34 of the I.P.C as stated.

8. Perused the statement of Siba Pujari who referred to the extra judicial confession made before the Lokinath Pujari.

9. Taking into account that there is no direct evidence against the petitioner and the sole basis of implication is the extra judicial confession and considering that he is in custody since 27.06.2020, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. The Bail Application thus stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*