

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.819 of 2022

Bhagirathi Moharana

....

Petitioner

Mr. Basudev Mishra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

14.7.2022.

Order No.

02.

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 13th February, 2021 in connection with Sarankul P.S. Case No.15/2021 corresponding to S.T. Case No.17/68 of 2021 pending in the court of learned Addl. Sessions Judge, Nayagarh for the alleged commission of the offence under Sections 498-A/304-B/120-B/114/302/34 of I.P.C. read with Section 4 of the D.P. Act.

4. It is alleged that one Akshaya Kumar Mahapatra, who is the husband of deceased Sasmita Debata, arranged two contact killers through Bhagirathi Maharana (Petitioner) to kill his wife. Accordingly, one Jitendra Sahu @ Jitu and Tofan Mandal @ Jharia are said to have assisted the said Akshaya Kumar Mahapatra in killing the deceased. It is submitted that there is no evidence whatsoever against the Petitioner save and except the so called confessional statement of Akshaya Kumar Mahapatra and other co-accused persons namely, Amiya Mahapatra and Rina Mahapatra, who have been released on bail as per order of this Court in ABLAPL No.4938/2021 and BLAPL No.6412/2021.

5. Learned State counsel, while opposing the prayer for bail fairly submitted that apart from the confessional statement of the Petitioner and that of accused Akshaya Kuymar Mahapatra, there is no other legally acceptable evidence against the Petitioner.

6. Considering the submissions as above, the materials on record and the period of detention in custody coupled with the fact that except for the confessional statement of the accused persons and that of the co-accused Akshaya Kumar Mahapatra, there is no other legally acceptable material to prima facie, show the complicity of the Petitioner, I am inclined to allow the prayer for bail.

7. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall personally appear before the court below on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court to take him to custody again. Further he shall appear before the I.I.C. of Sarankul P.S. on every Monday at 10.00 for a period of one year and such fact shall be certified by the I.I.C. to the concerned court once in a month and he shall not threaten or try to influence any witness.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge