

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 851 OF 2021

Babuli Pradhan

..... Petitioner
Mr. Chandrakanta Nayak, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE V. NARASINGH

ORDER
19.04.2022

Order No.

07.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is accused in connection with S.T. Case No. 251 of 2019 arising out of G.R. Case No. 223 of 2019 corresponding to Nuagaon P.S. Case No. 36 of 2019, pending on the file of the learned Additional Sessions Judge, Nayagarh for the alleged commission of offence under Sections-302/201/34 of the IPC and is in custody since 16.05.2019.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge, Nayagarh by Order dtd. 07.01.2020 in S.T. Case No. 251 of 2019, the present BLAPL has been filed.
4. Heard Mr. C. Nayak, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
5. Learned counsel for the petitioner submits that, since charge-sheet has already been filed on 10.09.2019 and taking into

account the nature of materials on record connecting the petitioner with the crime his further continuance in custody is not warranted.

6. He is also places reliance on order of this Court dtd. 19.12.2019 passed in BLAPL No. 10219 of 2019 in the case of co-accused- Rajesh Dakua and seeks intervention inter alia on the ground of parity.

7. Learned counsel for the State referring to the Case Diary and the statement of Tulasi Nayak the wife of the deceased and to lead him to discovery under Section-27 of the Evidence Act submits that there are materials on record, which unerringly connect the petitioner to the crime and taking into account the nature of allegation, he is not entitled to be released on bail.

8. Taking note that the basis of implication is circumstantial in nature and taking note of the weapon of offence and the manner in which the crime is stated to have been committed, since charge-sheet has already been filed further continuance of the petitioner is not justified. And keeping in view the release of the co-accused, 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.

8. The Bail Application thus stands disposed of.

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