

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1123 of 2022

Sanyasi Nahak

.... Petitioner

Mr.S.S.Ray(2), Advocate

-versus-

State of Odisha

.... Opp.Party

Mrs.S.Pattnaik, AGA

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

14.07.2022

Order No.

01.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Ray(2), learned counsel for the Petitioner and Mrs.Pattnaik, learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner in connection with G.R.Case No.307 of 2019 arising out of Aska P.S.Case No.159 of 2019 pending in the court of the learned Addl. Sessions Judge, Aska for alleged commission of offence under Section 302 of the I.P.C.
4. It is submitted on behalf of the Petitioner that he is inside custody since 19.5.2019 and in the meantime five witnesses including the informant and the alleged eyewitness – Kanhu Nahak have been examined. It is further submitted that said Kanhu Nahak, the star witness has turned hostile and did not support prosecution case and admittedly no other witness including the informant have seen the occurrence.
5. Upon hearing Mrs.Pattnaik, learned counsel for the State and considering the statement of P.Ws.1 to 4 under Annexure-3

series including P.W.3, Kanhu Nahak, I am inclined to release the Petitioner on the bail.

6. Accordingly, it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions to be fixed by the learned court below in seisin over the matter including the condition that he shall attend the trial court on each date fixed.

7. The BLAPL is disposed of.

(B.P. Routray)
Judge

C.R.Biswal

