

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1302 of 2022

Dula Kabasi & Others

....

Petitioners

Ms. Mamata Mishra, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

24.02.2022

Order No.

1.

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 16.04.2019 in connection with Mathili P.S. Case No.40 of 2013 corresponding to C.T. Case No.19 of 2020 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 147/148/342/363/121/121-A/124-A/302/149 of IPC read with Section 25/27 of Arms Act, Section 17 of Cr.L.A. Act and Sections 16/18/20 of U.A.P. Act.
4. It is submitted that the name of the petitioners do not find place in the FIR, though 22 persons have been named. It is further submitted that out of 16 witnesses examined so far during trial, no one has supported the case of the prosecution. Copies of the depositions have been enclosed to the bail application as Annexure-2.
5. Considering the submissions, materials on record, period of detention already undergone and the fact that there is no

acceptable evidence to link the petitioners with the alleged occurrence, 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, failing which the Court shall issue NBW to take them into custody again.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

A.K. Rana



(Sashikanta Mishra)
Judge