

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1623 OF 2020

Susanta Kumar Nayak

..... Petitioner
Mr. Anjan Kumar Biswal, Adv.

-versus-

State of Orissa

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

CORAM:
JUSTICE V. NARASINGH

ORDER
21.03.2022

Order No.
05.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in G.R. Case No. 74 of 2017 on the file of the Learned J.M.F.C., Sheragada, arising out of Dharakote P.S. Case No. 71 of 2017, for commission of alleged offence under Sections-302/120-B/34 of the Indian Penal Code read with Section 25(1-B)(a)/27 of the Arms Act and is in custody since 14.07.2017.
3. Being aggrieved by the order dtd. 05.04.2019 passed by the Learned Additional Sessions Judge, Aska in B.A. No. 87 of 2019, rejecting the bail application of the petitioner, the present BLAPL has been filed.
3. Heard Mr. Anjan Kumar Biswal, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

4. It is stated by the learned counsel for the petitioner that the basis of implication of the petitioner is the statement of co-accused –Babu Pradhan and since said Babu Pradhan has been released on bail by this court by Order dtd. 17.06.2019 in BLAPL No. 1273 of 2019, further continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the State refutes such allegation and submits that at the stage of bail the submission as made by the learned counsel for the petitioner is not germane for consideration.

6. Taking into account that the basis of implication is by virtue of a co-accused statement and on the basis of whose statement, the petitioner has been cited as an accused has been released on bail, this Court directs the petitioner shall be released on bail on such terms to fix by the learned Court in seisin of the matter, including the condition that, he shall appear once in fortnight before the concerned Police Station till the conclusion of the trial.

7. The Bail Application thus stands disposed of.

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

Balaram

(V.Narasimha)
Judge