

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1928 of 2022

Gagan Biswal

....

Petitioner

Mr. S.K.Bhanjadeo,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

26.4.2022.

Order No.

03.

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 25th January, 2021 in connection with Kodala P.S. Case No.23/2021 corresponding to S.T. Case No.26/2021 (G.R. Case No.55/2021) pending in the court of learned Addl. District and Sessions Judge, Khalikote, Ganjam for the alleged commission of the offence under Sections 302/379/120-B/34 of I.P.C. read with Section 25 (1-B)(a)/27 of the Arms Act.

4. The allegation is that the Petitioner being associate with several other persons committed murder of one Debraj Sahu by firing from a gun. In course of investigation, it was revealed that the deceased was first shot at by one Balaram Parida and thereafter one Ajay Barik and Pabana Pradhan started indiscriminate firing causing his death. In so far as the present Petitioner is concerned, there are variable statements inasmuch as according to one witness, the Petitioner was the informer, who informed about the presence of the deceased at the spot over phone to the other accused persons whereas according to some other witnesses, he was himself present at the spot during the occurrence.

5. Considering the above facts and particularity in the absence of any specific overt act being attributed to the Petitioner so also taking into account the period of detention in custody, I am inclined to allow the prayer for bail.

6. 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 following conditions:-

- (i), he shall appear before the court in seisin over the matter on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the said court to take him to custody again; and

(ii) he shall also appear before the I.I.C. of Kodala P.S., once every fort night for a period of six months and such fact shall be certified by the I.I.C. to the court below once every month.

7. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge