

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1948 of 2022

Balaram @ Amit Luha

....

Petitioner

Mr. B. Sahoo
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.5.2022.

Order No.

02.

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 September, 2021 in connection with Sambalpur Sadar P.S. Case No.181/2021 corresponding to G.R. Case No.3612/2021 pending in the court of learned S.D.J.M., Sambalpur for the alleged commission of the offence under Section 302/34 of I.P.C.

4. The prosecution allegation is that the Petitioner being associated with one Karuna Luha committed the murder of one Baruna Naik by assaulting him with stone and axe. There are no eye witness to the occurrence and the entire allegation appears to be based upon the statement one Prasanta Badi, who was the post occurrence witness and claims to have seen the present Petitioner sitting with Karuna Luha prior to the occurrence at the spot. The Petitioner was also subsequently identified in the T.I. Parade and the stone and the axe have also been recovered. However, in so far as the present Petitioner is concerned, neither any motive has been ascribed nor any evidence showing his involvement is available.

5. Having regard to the above facts and taking into account the period of detention in custody, I am inclined to allow the prayer for bail. 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 condition that he shall appear before the court below on each date of posting of the case without fail.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

