

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1965 of 2022

Dasa Hontal

....

Petitioner

Mr. A.R. Panda, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

28.03.2022

Order No.

1.

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 14.10.2021 in connection with Boipariguda P.S. Case No.79/2009 corresponding to T.R. Case No.53 of 2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Jeypore for the alleged commission of the offence under Sections 147/148/323/326/302/201/149 of I.P.C.
4. The allegation is that on 19th October, 2009, three persons being armed with deadly weapons and being associated with more than 100 persons committed murder of one Indra Harijan and also assaulted one Rooty Harijan causing bodily injuries. It is submitted by the Petitioner that he has not been named in the F.I.R. and there is no material to show his complicity in the occurrence.
5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the

Petitioner had absconded for a long period and hence, he should not be shown any leniency.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that the Petitioner is neither named in the F.I.R. nor any specific overt act has been attributed to him, I am inclined to allow the prayer for bail. Let the petitioner 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 he shall personally appear before the trial Court on each date of posting of the case, failing which appropriate adverse orders may be passed by the court below as deem fit and proper.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana