

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2168 of 2022

Shibani Das @ Shiba

....

Petitioner

Mr. J. Sahoo, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
30.03.2022

Order No.

2.

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 03.01.2021 in connection with Berhampur P.S. Case No.01 of 2021 corresponding to G.R. Case No.6 of 2021 pending in the Court of learned 1st Additional Sessions Judge, Berhampur for the alleged commission of offence under Sections 302/34 of IPC.
4. The prosecution story is that the petitioner and the other accused persons had dispute with the deceased since long time. On the night of occurrence one Nahanka Das called him to his house for dinner. The deceased went to the house of Nahanka Das but did not return and on the next date, he was found dead near a pond. Reading of the FIR reveals that there is specific mention that one Nahanka Das had invited the petitioner for dinner with him to his house, yet in the statement of the informant recorded under Section 164 Cr.P.C. it is stated that all the other petitioners had also called him from his house. There is no other material to link the petitioner

with the occurrence save and except the confessional statement recorded under Section 27 of the Indian Evidence Act.

5. Considering the above facts, the period of detention in custody and in absence of any acceptable material to show the complicity of the petitioner in the occurrence, 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 without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

