

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2214 of 2022

Kata @ Manmath Bhol **Petitioner**
Mr. D. Das, Adv.

- Versus -

State of Odisha **Opposite Party**
Mr. P. Tripathy, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
13.10.2022

Order No.
5.

1. This matter is taken up through hybrid mode.
2. Surrender certificate has been filed in Court indicating that the petitioner has surrendered to custody on 10.10.2022 after expiry of the period of interim bail. The same be kept on record.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 04.12.2021 in connection with Bampada Industrial Area P.S. Case No.199 of 2021 corresponding to C.T. Case No.1025 of 2021 pending in the Court of learned S.D.J.M., Balasore for the alleged commission of offence under Sections 341/388/302/34 of IPC.
5. The case of the prosecution is that the petitioner being associated with some other persons committed the murder of one Jagdish Palei. One of the main witnesses, namely Sridhar Tunga, who had stated about the presence of the petitioner at the spot of occurrence in his Section 161 Cr.P.C. statement, has in the meantime turned hostile during his examination in the

trial. The other witness, who has spoken about him, namely, Sanjay Parida, has referred to the petitioner's association in general terms without making any specific allegation. Similarly placed co-accused persons have already been released on bail as per order passed by this Court in BLAPL No. 11307 of 2021, BLAPL No. 2216 of 2022, BLAPL No. 2215 of 2022, BLAPL No. 5467 of 2022, BLAPL No.1234 of 2022 and BLAPL No. 3055 of 2022.

6. Taking into account all the above circumstances and 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 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 and in case of even a single default necessary orders shall be passed by the Court below to take him to custody again.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana