

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3241 of 2022

Umesh Barik

.... **Petitioner**

Mr. A. Das, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.05.2022

Order No.
01.

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 08.01.2022 in connection with Titilagarh P.S. Case No.358 of 2021 corresponding to G.R. Case No.439 of 2021 pending in the Court of learned S.D.J.M., Titilagarh for the alleged commission of offence under Sections 365/302/201/120-B of IPC.
4. The prosecution allegation is that the petitioner and some other persons jointly committed the murder of the deceased in a jungle and thereafter buried his dead body in the said jungle.
5. Learned counsel for the petitioner submits that except for the confessional statement of the co-accused, there is no other material to show the involvement of the petitioner in the occurrence.
6. Learned Addl. Standing Counsel while opposing the prayer for bail submitted that apart from the confessional statement of the co-accused there is statement of the auto rickshaw driver who had dropped the petitioner and other accused persons near the spot of occurrence. It is also submitted that the petitioner played a vital

role in the occurrence since at his instance the deceased had come to the spot.

7. I have considered the rival submissions and perused the materials on record. In so far as the present petitioner is concerned, undoubtedly, he stands on a different footing than the other accused persons who committed the crime by assaulting the deceased. Further the basis of the implication also appears to be the statement of the co-accused.

8. Having regard to the above facts, the period of detention in custody and the fact that charge sheet has already been submitted, 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.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana