

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3674 of 2022

Rabi Rao

....

Petitioner

*Mr. D. Routray,
Advocate*

-Versus -

State of Odisha

Opposite Party

....

*Mr. M.R. Mishra,
Additional Standing Counsel*

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
16.09.2022**

**Order No.
3.**

1. This matter is taken up through hybrid mode.
2. Heard learned for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 04.08.2019 in connection with Kamakyanagar P.S. Case No. 56 of 2018 corresponding to G.R. Case No. 91 of 2018 pending in the Court of learned Addl. Sessions Judge, Kamakhyanagar for the alleged commission of offence under Sections 302/120(B)/34 of IPC read with Sections 25/29 of Arms Act and 9 (B) of Explosive Substance Act.
4. It is submitted that FIR was lodged against unknown persons. Though the petitioner was identified during the TI parade yet the identifying witness has turned hostile in the ongoing trial. In fact, none of the sixteen witnesses who have been examined so far

have supported the case of prosecution. This prima facie raises a doubt as regards complicity of the petitioner in the alleged occurrence.

5. Taking into consideration the above fact as also 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 following condition.:-

i) He shall personally appear before the trial court on each date of posting of the case and in case of even a single default, this order shall be treated as automatically cancelled and NBW shall be issued to take him into custody again.

6. The BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

BC Tudu