

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4117 of 2022

Birendra Kabat

....

Petitioner

Mr. Jagannath Kamila, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.07.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in S.T. Case No.39 of 2021 (101 of 2021), pending on the files of learned 3rd Additional Sessions Judge, Balasore, arising out of Berhampur P.S. Case No.69 of 2020, under Sections 498(A)/304(B)/302/109/34 of IPC and is in custody since 18.10.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Balasore, by order dated 14.09.2021 in the aforementioned case, the present BLAPL has been filed.
5. The dying declaration of the deceased is on record.
6. On perusal of the same, it is seen that she has not implicated to the petitioner. Taking note of the same, this Court by order dated

13.04.2022 directed release of the wife of the petitioner in BLAPL No. 8553 of 2021.

7. Considering the release of the co-accused and the tenor of the dying declaration, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge

Santoshi

