

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4363 of 2022

Digambar @ Santosh Kumar Muni* *Petitioner

Mr. S.K.Mohanty
Advocate

-versus-

State of Odisha* *Opposite Party

Mr.M.R.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
15.9.2022.

Order No.

03.

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 9th March, 2021, in connection with Badagada P.S. Case No.138/2015 corresponding to S.T. Case No.48/2021 pending in the court of learned 3rd Addl. District and sessions Judge, Berhampur for the alleged commission of the offence under Sections 302/201/120-B/34 I.P.C.

4. It is alleged that the Petitioner killed the deceased because of a dispute arising out of their clandestine business in ganja. There are no eye witnesses to the occurrence. The case entire rests on circumstantial evidence. There is no material or any acceptable legal evidence against the Petitioner. In the ongoing trial, four witnesses have been examined, all of whom have turned hostile as informed by the learned State counsel.

5. Taking into consideration all the above facts, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case and in case of default, this order shall be treated as automatically cancelled.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge