

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4588 of 2022

Narayan Swain

...

Petitioner

Mr. K.P.Dash, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. P.Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

23.9.2022.

Order No.

3.

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 03.7.2020 in connection with Jagannath Prasad P.S. Case No.114 of 2020 corresponding to S.T. Case No.113 of 2020 pending in the Court of learned Addl. Sessions Judge, Bhanjanagar for the alleged commission of offence under Sections 302/307/34 of IPC.
4. It is alleged that the petitioner being associated with several other persons assaulted the elder brother of the informant causing severe bodily injuries, due to which he died. It appears that trial has already commenced and 11 witnesses have been examined including P.W. 7, who is said to be the eye-witness to the occurrence. Neither P.W.-7 nor any other witness has stated anything to support the prosecution allegation as evident from the copies of the depositions enclosed to the bail application. That apart similarly placed co-accused persons namely, Mantu Nayak and Kuna Sethi have been granted bail by

this Court as per order passed in BLAPL No.3322 of 2021 and BLAPL No. 3328 of 2021 respectively.

5. Considering the above facts, the materials on record, the period of detention in custody and particularly in absence of any evidence regarding involvement of the petitioner in the occurrence, 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, the Court below shall pass appropriate orders to take him to custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Judge

A.K. B c

