

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4741 of 2022

Subash Singh @ Mistri@Sonkar

....

Petitioner

Mr. P.K. Nayak, Advocate,

-Versus -

State of Odisha

....

Opposite Party

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.09.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 07.04.2021 in connection with Bandamunda P.S. Case No. 10 of 2019 corresponding to G.R. Case No. 26 of 2019 pending in the court of learned 1st Addl. Sessions Judge, Rourkela, for the alleged commission of offence under Sections 363/376-D/302/201/506/34 of IPC.
4. The case relates to an inevent which took place in the year 2017. The deceased was allegedly raped by the petitioner and his brother and thereafter was killed by them. The dead body was also disposed of in a jungle. Subsequently, on recovery of the skeleton of the dead body, the FIR was lodged. There are no eyewitnesses to the occurrence. Prosecution had relied upon the evidence of one

Manju Marandi, who claims to have seen the deceased with the petitioner prior to the occurrence. The said Manju Marandi however, being examined as a witness in the ongoing trial, has turned hostile. There is no other legally acceptable material to show the complicity of the petitioner in the alleged occurrence. In such view of the matter, I am inclined to allow the prayer for bail.

5. 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.

6. The BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

B.C. Tudu

