

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3793 of 2021

Miran Das and others

....

Petitioners

Mr. J. Khansama, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.03.2022

Order No.

09.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in C.T. Case No.2688 of 2020, on the files of learned Sessions Judge, Jharsuguda, arising out of Brajarajnagar P.S. Case No.416 of 2020, under Section 302 of IPC and are in custody since 17.10.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of Sessions Judge, Jharsuguda, by order dated 20.04.2021 in the aforementioned case, the present BLAPL has been filed.
5. It is asserted by the learned counsel for the petitioners that specific overt act is attributed to Rahul Das Panka and

Deepak Das Panka and recovery under Section 27 of the evidence Act has also been made at their instance.

6. Learned counsel for the petitioners seek release of the petitioners submitting that they are in custody since 17.10.2020. It is further stated that P.Ws. No.1 to 9 who have been examined, in the meanwhile whose depositions are on record have not supported the prosecution.

7. Learned counsel for the State opposes the prayer of the petitioners inter alia, on the ground that there are other material witnesses who were to be examined and at this stage, it is not open to the Court to take into account the statement on record and also relies on the statement of one Kishan Ch. Sahoo before whom extra Judicial confession is stated to have been made implicating the petitioners.

8. Taking into account that the petitioners are ladies and are in custody since 17.10.2020 and nine witnesses have also examined so far has not supported the prosecution and that the overt act is not attributed to the petitioners, this Court direct the petitioners to be released on bail on such terms to be fixed by the Court in seisin of the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi