

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5111 of 2022

Nahanka Das

....

Petitioner

Mr. J. Sahoo
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
24.8.2022.

Order No.

02.

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 3rd January, 2021 in connection with Berhampur Sadar P.S. Case No.01/2021 corresponding to G.R. Case No.06/2021 pending in the court of learned Ist Addl. Sessions Judge, Berhampur for the alleged commission of the offence under Sections 302/34 of I.P.C.
4. This is the successive bail application filed by the Petitioner. His earlier application was withdrawn by order dated 30th March, 2022 passed in BLAPL No.2171/2022 granting him liberty to move after examination of some witnesses during

trial. Since in the mean time three witnesses have been examined, the Petitioner has renewed his prayer.

5. As per the prosecution allegation, the Petitioner called the deceased from his house for dinner and subsequently the deceased was found dead near a pond. The informant has expired in the mean time. Three witnesses have been examined, all of whom have turned hostile. The co-accused persons have already been released on bail as per orders passed by this Court in BLAPL Nos.4631 and 5110 of 2022.

6. Considering the above facts and the period of detention in custody, 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 personally before the court below on each date of posting of the case without fail.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

