

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5394 of 2022

Suka Padiami & Another

....

Petitioners

Ms. Mamata Mishra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
28.6.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The Petitioners are in custody since 25th October, 2021 in connection with Mathili P.S. Case No.109/2018 corresponding to C.T. Case No.28/2020 (G.R. Case No.494/2018) pending in the court of learned Addl. Sessions Judge-cum-Special Judge,

Malkangiri for the alleged commission of the offence under Sections 147/148/120-B/121/121-A/124-A/302/149 of I.P.C. read with Sections 25 and 27 of the Arms Act, Section 17 of the Crl.A. Act and Section 13/16 (1)(a)/18/20 UAP ACT.

4. It is alleged that the Petitioner being associated with several persons came to the village being armed with deadly weapons and assaulted the deceased severely leading to his death. It is further alleged that the Petitioners are Maoists. In the mean time trial has commenced and as many as 11 witnesses have already been examined. Copies of the depositions of the said witnesses have been annexed to the bail application. A perusal of the depositions reveal that all the witnesses examined so far have not supported the case of the prosecution. There is no other evidence to link the Petitioners with the alleged crime.

5. Considering the above facts and the period of detention of the Petitioners in custody, I am inclined to allow the prayer for bail. Let the Petitioners 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 they shall appear personally before the trial court on each date of posting of the case, failing which it shall be open to the said court to pass necessary orders to take them to custody again.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

