

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5486 of 2022

Sudhir Palei

....

Petitioner

Mr. Anupam Dash
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
29.6.2022

Order No.

01.

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 21st June, 2020 in connection with Jagannathprasad P.S. Case No.114/2020 corresponding to S.T. Case No.113/2020 pending in the court of learned Addl. Sessions Judge, Bhanjanagar for the alleged commission of the offence under Section 302/307/34 of the I.P.C.
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 Nahyak and Kuna Sethi have been granted bail by this Court as per orders passed in BLAPL Nos.3322/2021 and 3328/2021 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 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 and in case of even a single default, the Court below shall pass appropriate orders to take him to custody again.

6. The BLAPL is disposed of.

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

AKB c

(Sashikanta Mishra)
Judge

