

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5512 of 2022

Mokbul Khan

.... Petitioner

Mr. P.K.Nayak
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.9.2022.

Order No.

- 03.
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 9th March, 2022 in connection with Jharpokharia P.S. Case No.36/2022 corresponding to C.T. Case No.279/2022 pending in the court of learned S.D.J.M., Baripada for the alleged commission of the offence under Section 302/34 of I.P.C.

4. The Petitioner was implicated on the basis of the statement of the co-accused. Even otherwise, the role of the Petitioner is that he had assisted the co-accused in committing the offence by giving him a spade with which the deceased was assaulted. There is also evidence regarding a prior civil dispute between the principal accused and the deceased. There is no other legally acceptable evidence to show the complicity of the Petitioner in the alleged occurrence.

5. Considering the above facts and the period of detention of the Petitioner 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 personally appear before the trial court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court 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

(Sashikanta Mishra)
Judge

