

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5562 of 2022

Prafulla Bhengra

.... ***Petitioner***
Mr. R.N. Parija, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
22.08.2022**

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the second journey of this petitioner, who is in custody in connection with Bargaon P.S. Case No.96 of 2020 corresponding to S.T. Case No.09 of 2021 pending in the Court of the learned Sessions Judge, Sundergarh for offence punishable under sections 302/120-B, I.P.C. in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 06.08.2020. He further submits that the case is based on circumstantial evidence and the circumstances projected by the prosecution being joined do not form a complete chain. He submitted that the most important circumstance is the statement of co-accused, who has implicated this Petitioner which, itself, is not enough to point out the guilt of the Petitioner. In view of all these above, when there remains no scope on the part of the Petitioner to

flee from justice and tamper the evidence, he urges for reconsideration of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move. According to him, it is too premature to take a view that the circumstances collected being joined together do not form a complete chain.

5. Considering the submissions as advanced and on going through the materials as placed; further keeping in view the surrounding circumstances including the factum of detention of the petitioner in custody since 06.08.2020; while being inclined to reconsider the prayer for bail of this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial and will not indulge himself in any criminal activity.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge