

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4652 OF 2021

Pravat Sundara

..... ***Petitioner***
Mr. A. Tripathy, Advocate

-versus-

State of Odisha

..... ***Opposite Party***
Mr. S.S. Pradhan, AGA

CORAM:

JUSTICE V. NARASINGH

ORDER
30.06.2022

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with G.R. Case No. 196 of 2019 arising out of Nayagarh Sadar P.S. Case No. 51 of 2019, pending on the file of the learned S.D.J.M., Nayagarh for the alleged commission of offence under Sections-302/34 of the IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Nayagarh by Order dtd. 25.05.2021 in Bail Application No. 263 of 2021, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.

5. The petitioner was implicated in the offence under Section 302, I.P.C relying on the eye-witness account of one Sanatan Mohanty and one Kartika Behera, as stated by the learned counsel for the petitioner.

6. The same is not disputed by the learned counsel for the State.

7. In the meantime, trial has commenced and both the said eye-witnesses were examined as P.W.7 and P.W.8 and have resiled from their statements and have been declared as hostile.

8. The deposition copy of P.Ws. 7 and 8 referred to above are kept on record.

9. Considering the genesis of the offence and taking into account that the eye-witnesses account as stated, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter to ensure his presence on each date of trial.

10. The Bail Application thus stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*