

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5677 OF 2022

Basanta Behera

..... *Petitioner*
Mr. Debasnan Das, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. P.K. Moharaj, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
12.08.2022

Order No.
02.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. D.Das, learned counsel for the petitioner, Mr.B.K.Ragada, learned counsel for the informant and Mr. Moharaj, learned Additional Standing Counsel for the State.
3. The Petitioner is an accused in connection with S.T. Case No.40 of 2022 arising out of Kissannagar P.S. Case No. 197 of 2021 pending on the file of learned 2nd Additional Sessions Judge, Cuttack, registered for the alleged commission of offence under Sections 498-A/304-B/306/34 of the I.P.C. and Section 4 of the D.P. Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Cuttack by order dated 13.05.2022 in B.A. No.40 of 2022, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the F.I.R. was registered under Section 302 of the I.P.C. and other allied offences and after investigation the Charge-sheet was submitted under Section 306

of the I.P.C. It is further stated that the petitioner is in custody since 30.11.2021 and in view of submission of Charge-sheet under Sec.306 of the I.P.C. his further continuance is not warranted.

6. Learned counsel for the State and learned counsel for the informant relying on the statement of one Hemanta Kumar Behera, cited as Charge-sheet witness No.6 submits that the complicity of the petitioner is clearly established and as such he is not entitled to be released on bail.

7. Considering that the Charge-sheet has been submitted inter alia under Section 306 of the I.P.C., the petitioner is in custody since 30.11.2021 and the trial has not commenced, 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.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

(V.Narasimha)
Judge

Dhal

