

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5763 of 2022

Banka @ Babu Das* *Petitioner

Mr.J. Sahoo, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
15.07.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Chamakhandi P.S. Case No.66 of 2018 corresponding to S.T. Case No.276 of 2018 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Chatrapur for offences punishable under sections 302, 323/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Chatrapur, Ganjam, which was rejected on

13.05.2022.

Learned counsel for the petitioner submitted that the petitioner Babu @ Banka Das is in judicial custody since 21.07.2018 and his earlier bail application in BLAPL No.10348 of 2019 has been rejected as per order dated 29.01.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the eye witnesses in the trial Court. Learned counsel further submitted that in the meantime the eye witnesses have already been examined, who have not supported the prosecution case. It is further submitted that the co-accused persons, namely, Susanta Maharana, Suresh Das and Nirajan Das have been released on bail in BLAPL No.2269 of 2022 and BLAPL No.2268 of 2022 and since the petitioner stands in the similar footing with that of the co-accused persons, bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the fact that the eye witnesses to the occurrence have not supported the prosecution case and similarly situated co-accused persons have already been released on bail and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the

petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(**S.K. Sahoo**)
Judge



PKSahoo