

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5140 of 2021

Bijaya Dehury and others

....

Petitioners

*Mr. Partha Sarathi Nayak,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
02.02.2022

Order No.

4.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 07.06.2021 in connection with Kanhia P.S. Case No. 150 of 2021 corresponding to G.R. Case No. 1048 of 2021 pending in the court of learned S.D.J.M., Talcher for the alleged commission of offence under Sections 120(B)/302 of IPC
4. It is submitted that the petitioners were implicated in the case on the basis of the Section 161 of Cr.P.C statement of one Pakla Behera and Dukhabandhu Pradhan. Learned counsel for the petitioners referring to copies of the depositions of fourteen witnesses examined in the trial so far has drawn attention of the Court to the statement of the aforementioned persons, who have been examined as P.Ws. 2 and 8 respectively, to submit that both of

them have not supported the case of the prosecution and have turned hostile. Therefore, there is no other material to link the petitioners with the alleged occurrence.

5. Learned Additional Standing Counsel, however submits that some more witnesses are yet to be examined in the case.

6. Considering the submissions made, the materials on record, the period of detention already undergone and the fact that the witnesses the statements of whom were projected by prosecution to implicate the petitioner, have not supported the case of the prosecution, I am inclined to allow the prayer for bail. Let the petitioners be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that they shall personally appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is accordingly disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

B.C. Tudu

