

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5187 of 2021

Sibaram Behera@Siba

....

Petitioner

Mr. D. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Rath, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

17.02.2022

Order No.

05.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.302/34, I.P.C.

2. Heard Mr. D. Mohapatra, learned counsel for the Petitioner as well as Mr. A. Rath, learned A.S.C. for the State-Opposite Party.

3. It is submitted that the Petitioner is inside custody since 26th May, 2019 and in the meantime all other co-accused persons have already released on bail except the present Petitioner and another Gobinda Behera. It is further submitted that the sole alleged eye-witness, namely, Arati Behera in course of her deposition did not support the prosecution version and the circumstances alleged are also not conclusive to implicate the Petitioner in the alleged murder.

4. After hearing learned A.S.C. for the State-Opposite Party and considering the period of detention of the Petitioner inside custody, the evidences of P.W.3 (Arati Behera) as well as the fact of release of co-accused persons on bail, it is directed to release

the Petitioner on bail in connection with Dharakote P.S. Case No.72/2019 corresponding to S.T. Case No.86/2019 on such terms and conditions to be fixed by the learned Addl. Sessions Judge, Aska as he deems just and proper including the condition that the Petitioners shall attend the trial court on each date fixed.

5. The BLAPL is accordingly disposed of.

6. An urgent certified copy of this order be granted on proper application.

(***B.P. Routray***)
Judge



B.K. Barik