

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 6163 of 2022

Naba Kumar Ray

....

Petitioner

*Mr. Millan Kanungo, Sr.
Advocate*

-Versus -

State of Odisha

Opposite Party

....

*Mr. M. Mishra,
Additional Standing Counsel
Mr. S.C.Mohapatra, Advocate
(informant)*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.10.2022

Order No.
2.

1. This matter is taken up through hybrid mode.
2. Heard learned Senior Counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 08.06.2022 in connection with Chandipur P.S. Case No. 56 of 2022 corresponding to C.T. Case No. 529 of 2022 pending in the court of learned S.D.J.M., Balasore for the alleged commission of offence under Sections 302/120(B)/201/34 of IPC.
4. The prosecution case is that the petitioner master minded the killing of the deceased because of the previous dispute relating to hand loan of Rs.60 lakhs involving one Gopi @ Ana. It is further stated that when the said Gopi demanded his money from the petitioner, he stated to have repaid the money to the deceased. It is

also alleged that the petitioner had taken Rs.20 lakhs from one Rameswar Das, father of the informant, through the deceased but had not returned. Therefore, the petitioner conspired with the said Ana and others to do away with the life of the deceased. Prosecution has relied upon the statement of a purported eyewitness, namely, Manas Das. A perusal of the statement recorded under Section 161 of Cr.P.C. reveals that no specific overt act has been attributed to the petitioner, rather the specific allegations of assault have been attributed to accused, Aru, Ana and Subasish. It is only stated that the co-accused persons had allegedly declared that the petitioner would finance any similar case of assault in case the matter was reported to the petitioner. From the above statement there is no material to definitely suggest that the petitioner and the co-accused persons had conspired to kill the deceased. There is no evidence of any prior meeting of minds between the petitioner on one hand and the co-accused persons on the other hand. The petitioner's involvement appears to be based more on suspicion than on acceptable evidence.

5. Considering the above facts and the fact that charge sheet has already been submitted, I am inclined to allow the prayer for bail. Let the petitioner 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 following conditions:-

- (i) The petitioner shall appear before the IIC of Chandipur P.S on every Sunday at 10.00 A.M. for a period of six months and such fact shall be certified by the IIC to the concerned court once in a week.

(ii) He shall personally appear before the court in seisin over the matter on each date of posting of the case and in case of even a single default, necessary order shall be passed to take him into custody again.

(iii) He shall not threaten, coerce or pressurize any of the prosecution witnesses or tamper with the evidence in any manner whatsoever.

(iv) It shall be open to the informant to seek cancellation of bail in case any of the above conditions are violated.

5. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge



B.c. Tudu