

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6307 of 2022

		<i>Petitioner</i>
<i>Dillip Kumar Behera @ Dilu</i>		
		<i>Mr. Manas Kumar Chand,</i> <i>Advocate</i>
	-Versus -	
<i>State of Odisha</i>		<i>Opposite Party</i>
		<i>Mr. S.K. Mishra,</i> <i>Additional Standing Counsel</i>

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
10.08.2022

Order No.
2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 09.10.2020 in connection with Lingaraj P.S. Case No. 189 of 2020 corresponding to C.T. Case No. 26 of 2022 pending in the court of learned 3rd Additional Sessions Judge, Bhubaneswar for the alleged commission of offence under Sections 302/294/506/120-B/34 of IPC.
4. The prosecution case is that one Balaram Behera had employed the deceased in his Sweet stall, but the same was closed for more than five months. During such period, the deceased in order to maintain his family, opened a temporary Sweet stall, which became very popular. Thereafter, the said Balaram Behera and his family, members threatened to kill the deceased if he did not close down his shop. Subsequently, one Gora@Ashutosh Mohanty and

Sritik Biswal @Jiltu assaulted the deceased by means of swords and killed him. It is submitted that in the meantime, the informant has been examined, who is also eyewitness, being the wife of the deceased. She has implicated the assailants Gora and Jiltu. In so far as the present petitioner and his family members are concerned, it is her testimony that they had offered a threat to kill her husband. Apart from the above, there is no other incriminating material against the petitioner. Balaram Behera has been granted bail by this Court in BLAPL No.3902 of 2021. Other accused have also been released on bail

5. Taking into consideration all the above facts and the period of detention in custody, 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 condition that:-

- (i) The petitioner shall personally appear before the trial court on every date of posting of the case and in case of even a single default, NBW shall be issued to take him into custody.
- (ii) He shall also appear before the IIC of Lingaraj P.S. twice a week, i.e., on Monday and Friday between 10.00 a.m. to 4.00 p.m. till conclusion of the trial.

6. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

B.C. Tudu

