

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6587 of 2022

Rabi @ Umanakanta Barik

....

Petitioner

Mr. M.K. Mishra, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.10.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Mishra, learned senior counsel assisted by Mr. B.K. Mishra, for the petitioner and Mr. Pradhan, learned counsel for the State.
3. The petitioner is an accused in connection with G.R. Case No.56 of 2006(A) pending on the file of learned J.M.F.C., Daspalla, arising out of Daspalla P.S. Case No.31 of 2006, for alleged commission of offences under Sections 302/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh, Camp at Daspalla by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned senior counsel for the petitioner that one of the co-accused Ranjan Kumar Sahu, similarly circumstanced faced trial in the case at hand and by judgment dated 23.02.2012 in S.T. Case No.02 of 2010, learned Sessions Judge Nayagarh acquitted the said Ranjan Kumar Sahu. The judgment is on record at Annexure-2.

6. It is further submitted by learned senior counsel for the petitioner that there are no materials to connect the present petitioner with the crime in question and since he is similarly placed in all aspects with the accused who faced trial, his further continuance in custody is not warranted. And it is also stated that the petitioner had no knowledge that he has been implicated as an accused and therefore, he ought not to be labeled as an absconder.

7. Learned counsel for the State though not disputing that prima facie the present petitioner is similarly circumstanced with the accused who was acquitted by the judgment referred to hereinabove, but submits that the acquittal was in respects of the co-accused Ranjan Kumar Sahu ipso facto cannot ennure to benefit of the petitioner as per settled law.

8. Hence submits that present petitioner ought not to be released on bail at this stage, since he is an absconder for a long time.

9. Considering the submission of the learned counsel for the Parties, nature of allegation and release of the co-accused as per the judgment of the learned Trial Court, adverted to hereinabove, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. Additionally, it is directed that one of the sureties shall be immediate member of the family taking into account that the petitioner was an absconder.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge