

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.340 2021

Satyanarayan Rout and others ***Appellants***

Mr. A. Dash, Advocate

-versus-

State of Odisha ***Respondent***

Mr.R.K.Tripathy, A.S.C.

CRLA No.372 2020

Swarupa Ghibela ***Appellant***

Mr. D. Panda, Advocate

-versus-

State of Odisha and another ***Respondents***

Mr.R.K.Tripathy, A.S.C.

CRLA No.446 2020

Narayan Bariha and another ***Appellants***

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha and another ***Respondents***

Mr.R.K.Tripathy, A.S.C.

CRLA No.447 2020

Krushna Bariha

.... ***Appellant***

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha and another

.... ***Respondents***

Mr.R.K.Tripathy, A.S.C.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.11.2022.

Order No.

- 09.
1. All the matters are taken up through hybrid mode.
 2. All these Appellants are in custody in connection with Larambha P.S. Case No.79/2019 corresponding to Special G.R. Case No.655/40 of 2019 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Patnagarh, Bolangir for the alleged commission of the offence under Sections 147/148/302/201/149 of I.P.C., Section 4 of Odisha Prevention of Witch Hunting Act and Section 3(2)(v) of SC and ST (P.O.) Act.
 3. The prosecution allegation is that suspecting the deceased persons of practicing witchcraft, the Appellants are said to have assaulted them brutally by means of sticks, axe and other weapons causing their death. In the mean time, trial has

commenced. One Mangalabari Bariha, who is said to be the eye witness, has been examined as P.W.4. Though she has stated about the occurrence, the same is on general terms without attributing anything specific against each of the appellants. In so far as the other witnesses are concerned, it is seen that most of them have turned hostile. There is thus no legally acceptable material to prima facie show commission of the alleged offences by the Appellants.

4. Considering the above facts and the period of detention in custody, I am inclined to direct release of the Appellants on bail. Let the Appellants be released on bail on such terms and conditions as may be fixed by the Court in seisin over the matter in the aforesaid case including the condition that they shall not misuse the liberty granted to him.

5. The CRLAs are disposed of accordingly.

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

(Sashikanta Mishra)
Judge

AKB