

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6704 of 2022

Kalu @ Kali Charan Mohanta ***Petitioner***
@ Mahato

Mr. H.K.Mohanta, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
11.11.2022

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioner and learned counsel for the State.
 3. The Petitioner is an accused in C.T. Case No.279 of 2022 pending on the file of learned S.D.J.M., Baripada, arising out of Jharpokharia P.S. Case No.36 of 2022, for commission of offence under Sections 302/34 IPC.
 4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Addl. District & Sessions Judge, Baripada by order dated 01.06.2022 in the aforementioned case, the present BLAPL has been filed.
 5. It is submitted by the learned counsel for the Petitioner that one of the co-accused Mokbul Khan has been released on bail by order dated 29.09.2022 in BLAPL No.5512 of 2022. It is submitted

that since the Petitioner is more or less similarly circumstanced, his continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail of the Petitioner relying on the statement of the co-accused Rajat Mohanta.

7. On perusal of the statement of the co-accused, it is seen that role of the Petitioner is that he actively assisted the co-accused in committing the offence whereas the blow with spade is clearly attributable to the principal accused Rajat Mohanta.

8. The post-mortem report indicates that the deceased succumbed to the corresponding injury on account of attack by the weapon of offence i.e. spade.

9. Taking into account the role played by the Petitioner and release of the co-accused Mokbul Khan by this Court, as adverted herein above and keeping in view that the Petitioner is the first offender, 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. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS