

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6795 of 2022

Padia Madhi @ Denga

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.09.2022

Order No.

02.

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 G.R. Case No.419 of 2021 pending in the file of learned J.M.F.C.Motu, arising out of Kalimela P.S. Case No.216 of 2021 corresponding to C.T. Case No.18 of 2022, offence under Sections 302/201/34 of IPC and is in custody since 30.09.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge Malkangiri by order dated 05.01.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused persons have been released on bail by this Court by order dated 30.06.2022 in BLAPL No.377 of 2022.

6. It is submitted that only material against the present petitioner which is a disclosure statement under Section 27 of the Evidence Act. It is stated that witnesses to such statement P.Ws.3 and 5 have not supported the prosecution. It is borne out from the record that P.W.1 and P.W.4, the daughter and son of the deceased has also resiled from their statement.

7. Taking note of the same and release of the co-accused, 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 so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

