

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7367 of 2022

Ranjit Nayak @ Ranjan

....

Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Mr. P.R. Chhatoi, Advocate (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

12.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Mr. P.R. Chhatoi, learned counsel has appeared on behalf of the Informant by filing a vakalatnama in Court today. The same be kept on record. The name of Mr. Chhatoi, learned counsel for the Informant, be reflected in the cause list, file and CMS.
3. Heard learned counsel for the Petitioner, learned counsel for the State and the learned counsel for the Informant.
4. The Petitioner is an accused in G.R. Case No.308 of 2021 pending in the file of learned Sessions Judge, Kendrapara, arising out of Pattamundai P.S Case No.308 of 2021, for offence under Sections 450/302/380 IPC and is in custody since 22.08.2020.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Kendrapara

by order dated 21.07.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the Petitioner, relying on the order dated 12.05.2022 passed in BLAPL No.10804 of 2022 in respect of the co-accused particularly one Susanta Patra @ Susha @ Sushant Patra, that the Petitioner is more or less similarly circumstanced with the said accused. Hence, inter alia, on the ground of parity, the Petitioner seeks release on bail. It is also placed before this Court that the other co-accused persons, namely, one Ashok Patra @ Papuna has been released on bail by order dated 27.09.2021 in BLAPL No.895 of 2021 and Papu @ Prakash Patra has been released on bail by order dated 22.04.2021 in BLAPL No.331 of 2021.

7. It is submitted by the learned counsel for the Petitioner that the sole basis of implication of the Petitioner is on the confessional statement of the co-accused Anil Kumar Jena before the police and recovery of cash of Rs.1 lakh which is also the incriminating circumstance in respect of the co-accused Susanta Patra who has since been released on bail. Hence, it is submitted that there is no justification of the Petitioner to be incarcerated any longer.

8. Learned counsel for the State as well as the Informant, relying on the statement of the principal accused Anil Kumar Jena recorded under Section 27 of the Evidence Act, submits that the same discloses the complicity of the present Petitioner.

9. Learned counsel for the Informant has also relied on the statement of one Jagannath Behera, the sweet stall owner, to drive home the point that clear case is made out against the present Petitioner and that he is not similarly circumstanced with the other

co-accused in view the seizure of blood stained knife and the wearing apparels stained with blood and one motor cycle stated to be involved in the commission of offence.

10. It is worth noting that the statement of Anil Kumar Jena recorded under Section 27 of the Evidence Act, which is relied upon by the learned Public Prosecutor and the learned counsel for the Informant as disclosure statement, he has also implicated the co-accused Susanta Patra along with present Petitioner. It is also on record that blood stained cash of Rs.1,25,000/- was also recovered from the house of co-accused persons.

11. This Court had an occasion to consider the import of the statement made by Jagannath Behera and it was also observed that there is no material on record to show who are the other two co-accused persons who purchased Golapjamun, which was recovered from the house of the deceased. This Court is in respectful agreement with the analysis made by a coordinate Bench of this Court in this regard.

12. On a conspectus of the materials on record and considering the order passed by this Court in respect of the co-accused Susanta Patra @ Susha @ Sushant Patra and Papu @ Prakash Patra, it is directed that the Petitioner be released on bail on such terms to be fixed by the learned court in seisin over the matter.

13. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS