

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8046 of 2022

Gorekh Suna and another ***Petitioners***

Mr. H.S. Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
01.12.2022

Order No.

05.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in Session Case No.45/27 of 2021, pending in the file of learned Additional Sessions Judge (II), Bolangir, arising out of Deogaon P.S. Case No.21 of 2021, for commission of alleged offences under Sections 302/149/449/148/147 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional District & Sessions Judge, Balangir by order dated 03.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners are in custody since 26.01.2021 and charge sheet has already been filed on 21.05.2021.
5. Learned counsel for the petitioners submits that the co-accused Judhistir Suna, Radhakant Suna and Brahma Suna have been released on bail by this Court by order dated 15.09.2022 in

BLAPL No.10227 of 2021 of the said three, Judhistir Suna and Radhakant Suna are the named accused.

6. Learned counsel for the petitioner with vehemence submits that the petitioners are not named in the FIR and even if the entire prosecution allegation taken at its face value that there is no direct material to connect the petitioners with the crime. Hence, their further continuance in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail.

8. This Court perused the statement of Nilambar Rout, son of the deceased, post occurrence witness.

9. In the said statement, the son of the deceased has said that he saw the others named in the FIR along with the Petitioner No.1 running away from their house.

10. Apart from this, as submitted by the learned counsel for the petitioner and which is not refuted by the learned counsel for the State, there are no other connected material.

11. Keeping in view release of the co-accused who has been named in the FIR and there being no other materials to establish the complicity of the petitioners, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge