

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8395 of 2022

Jayaram Ray

....

Petitioner

Mr. D. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in C.T. Sessions Case No.21 of 2021, pending on the file of learned Addl. Sessions Judge, Jharsuguda, arising out of Orient P.S. Case No.180 of 2020, for commission of alleged offences under Sections 302/34 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Jharsuguda by order dated 13.04.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the Petitioner was taken into custody by execution of N.B.W on 13.03.2021 and as in the meanwhile trial has commenced and materials witnesses have not supported the prosecution, further continuance of the Petitioner in custody is not warranted.

5. Learned counsel for the petitioner relies on the order passed by this Court dated 03.11.2022 in respect of co-accused Ajeet Singh @ Khadi in BLAPL No.6974 of 2022 and the order dated 05.12.2022 in respect of the co-accused Suraj Prasad in BLAPL No.7126 of 2022. It is submitted on instruction that the overt act is not attributed to the said Ajeet Singh @ Khadi and the Petitioner is similarly circumstanced with the said co-accused persons since released on bail.

6. The only accusation against the Petitioner is that he had caught hold of the hand of the deceased along with the said co-accused so released.

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

8. Considering the statement of P.Ws.3, 6, and 7 which also weighed with the mind of the Court while passing the order, referred to herein above, this Court is of the prima facie view that the Petitioner is the similarly circumstanced with Ajeet Singh @ Khadi and Suraj Prasad, who have since been released on bail.

9. It is borne out from the record that the said injuries are attributed to one Ajit Singh @ Mania who is not the Petitioner before this Court.

10. Considering the role played by the Petitioner and release of the co-accused persons and the materials on record vis-à-vis the accusation relating to the Petitioner, 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.

11. While enlarging the Petitioner on bail, the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the Petitioner has criminal antecedent of similar nature, this order shall stand recalled.

12. Accordingly, the BLAPL stand disposed of.

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

(V. NARASINGH)
Judge

PKS

