

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8620 of 2022

Dillip @ Dillip Kumar Bhukta

Petitioner

Mr. D. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. M. Mishra, ASC

Mr. S.R. Mohapatra, Adv. (informant)

CORAM: JUSTICE V. NARASINGH

ORDER

09.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
2. The petitioner is an accused in C.T. Case No.1025 of 2021, pending before the learned SDJM, Balasore, arising out of Bamapada Industrial Area P.S. Case No.199 of 2021, for commission of alleged offences under Sections 341/388/302/34 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge (Vigilance), Balasore, by order dated 15.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 15.07.2022 and since charge-sheet has been filed on 09.11.2022 and in the meanwhile nine of the co-accused have been released on bail by this Court, orders which are on record and as the petitioner is similarly circumstanced, his further continuance in custody is unwarranted notwithstanding that the trial is continuing.

5. Learned counsel for the State as well as learned counsel for the informant oppose the prayer for bail inter alia on the ground that in the midst of trial, it is not open for this Court to scrutinize the materials on record vis-à-vis the accusation.
6. The prosecution has relied on the statements of P.Ws.1, 2, 3, 5 & 6 as eye witnesses.
7. Learned counsel for the petitioner has placed on record the depositions of the said witnesses who have resiled.
8. It is also apt to note here that while releasing the co-accused, this Court had also taken note of the statement of the said prosecution witnesses.
9. Considering the nature of evidence on record qua the petitioner and the 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.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Ayesha