

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8672 of 2022

Milu @ Bishnu Prasad Sahoo

Petitioner

Mr. M. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.09.2022

Order No.

01.

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 C.T. Case No.5358 of 2021 pending in the file of learned S.D.J.M.. Bhubaneswar, arising out of Bharatpur P.S. Case No.341 of 2021, offence under Sections 341/323/294/302/34 of IPC and is in custody since 23.08.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Bhubaneswar by order dated 23.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused Narayan Sethi @ Babu has been released on bail by this Court by order dated 17.05.2022 in BLAPL No.3291 of 2022. It is further submitted that petitioner is on a better footing hence his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail on account of the statement of the witnesses and submits that all the witnesses in exercise of that common intention have committed the crime. Hence deception of the role of the accused at this stage is not permissible.

7. This Court perused the statement of Suprabhas Mandhata and Satyaranjan Pati stated to be eye witnesses.

8. On consideration of the same, if it comes to the fore that specific overt act is attributed to one Narayan Sethi @ Babu who has since been released on bail.

9. Taking note of the statement of Suprabhas Mandhata not attributing , specific over act to the present petitioner and generality of the allegations and release of the co-accused as noted, 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.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi