

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7682 of 2021

Mithun Hari

....

Petitioner

*Mr. Sidhartha Das,
Advocate*

-versus-

State of Orissa

....

Opposite Party

*Mr. Karunakar Nayak,
Additional Standing Counsel for State*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

03.01.2022

Order No.

03. 1. Heard learned counsel for the parties and perused the case diary and other relevant papers.
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Jujumura P.S. Case No.136 of 2020, corresponding to G.R. Case No.3648 of 2020, pending in the court of learned S.D.J.M., Sambalpur, which has subsequently been committed to the learned Sessions Judge, Sambalpur in S.T. No.26 of 2021 for alleged commission of offence under Sections 302/201/34 I.P.C.
3. The entire case is based on circumstantial evidence and last seen theory. There are no eye witnesses to the occurrence. Cases involving circumstantial evidence are matters to be decided during the trial.

4. It is further submitted by the counsel for the Petitioner that the Petitioner is in custody since 10.10.2020 and that charge-sheet has been filed in the meanwhile.

5. Upon perusal of the Case Diary and Circumstantial Evidence and the fact that Petitioner has been languishing in jail custody since the date of his arrest, i.e. from 10.10.2020, I am inclined to enlarge the Petitioner on bail in the above case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below with condition that he shall not be involved in any criminal activities while on bail and shall report to the I.O. for the purpose of investigation once in a week. It is open to the court in seisin of the matter to impose any other condition(s) as would be deemed fit and proper in the facts and circumstances of the case.

5. The BLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge