

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 8755 of 2022**

***Krushna Chandra Maharana*** ....

***Petitioner***

Mr. K.A. Guru, Advocate

*-versus-*

***State of Odisha*** ....

***Opposite Party***

Mr. P.K. Maharaj, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**21.10.2022**

**Order No.**

**03.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is accused in connection with C.T. Case No.107 of 2021, pending before the learned 3<sup>rd</sup> Additional Sessions Judge, Bhubaneswar, arising out of Dhauli P.S. Case No.77 of 2021, for commission of offences under Sections 302/201/120-B of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3<sup>rd</sup> Additional Sessions Judge, Bhubaneswar, by order dated 24.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner was implicated on the basis of the statements of Ashis Ku. Das and Trilochan Sahu and the petitioner is in custody since 04.09.2021 and the said Ashis Ku. Das and Trilochan Sahu

examined as P.Ws.1 and 2 have not supported the prosecution. Hence, it is stated there is no other material to connect the petitioner with the alleged crime.

6. Learned counsel for the State on verification of the Case Diary submits that though these two prosecution witnesses on the basis of which the petitioner was arrayed as an accused have not supported the prosecution, there are other witnesses who had to be examined hence, the prayer of the petitioner to be released on bail at this stage ought not to be entertained during currency of trial.

7. Considering that prima facie basis of implication was the statements of P.Ws.1 and 2 and since they have not supported the prosecution, considering the period of custody, this Court directs the petitioner to be released on bail. Learned Court in seisin over the matter to fix the terms so as to ensure the presence of the petitioner on each date of trial. One of the sureties shall be immediate family member of the petitioner.

8. Accordingly, the BLAPL stands disposed of.

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

**(V. NARASINGH)**  
**Judge**

*Ayesha*