

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9039 of 2022

Prasanta Pandav @ Jiten

....

Petitioner

Mr. Nilakantha Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

27.09.2022

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 G.R. Case No.742 of 2022 pending in the file of learned S.D.J.M., Sundargarh, arising out of Sundargarh P.S. Case No.168 of 2022, offence under Sections 302/307/120-B IPC and is in custody since 02.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sundargarh by order dated 27.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 02.05.2022 and charge sheet has been filed on 29.08.2022. It is submitted that since the implication of the Petitioner was on the basis of the co-accused statement, namely, Jitu @

Jasobanta Pandab who admittedly fired at the deceased, his further continuance in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the Petitioner has one criminal antecedent that is of the year 2007 and it is borne out from the record that the Petitioner has provided a pistol with which offence was committed in this case.

7. This Court had an occasion to peruse the statement of the eye witness, namely, Kadhab Tazan from which it comes to fore that the overt act of firing at the deceased is attributed to one Jitu @ Jasobanta Pandab. It is apt to state here that the observation of the learned court in seisin over the matter in the last paragraph of the order of rejection dated 27.08.2022 that the present Petitioner has committed the murder of the deceased by opening fire towards him is evidently an error on record.

8. Taking note of the role ascribed to the Petitioner and non-conducting of T.I Parade vis-à-vis him and keeping in view the period of custody and filing of charge sheet, 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.

9. Additionally it is directed that the Petitioner shall appear before the I.O once every week till conclusion of the trial. Violation of the said condition shall entail cancellation of bail without reference to the Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge