

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9119 of 2022

P. Shiba & others

....

Petitioners

Mr. S.K. Mahanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. The Petitioners are accused in S.T Case No.85 of 2021, pending in the file of learned Addl. Sessions Judge, Chatrapur, arising out of Chamakhandi P.S. Case No.120 of 2021, for commission of the alleged offence under Sections 147/ 148/ 302/ 307/ 323/ 325/ 294/ 506/149/427 IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Addl. District & Sessions Judge, Chatrapur, Ganjam by order dated 12.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioners that the Petitioners are similarly circumstanced with the co-accused, who have since been released on bail by order dated 04.08.2022 in BLAPL No.10669 of 2021, by order dated 22.08.2022 in BLAPL No.11564 of 2021 and by order dated 06.09.2022 in BLAPL

No.10244 of 2021. It is submitted by the learned counsel for the Petitioners that this Court, taking into account that the Informant (P.W.1) and the injured eye witness (P.W.3), have not supported the prosecution directed release of the co-accused persons. It is submitted that the present Petitioners are the similarly circumstanced with the co-accused. Hence, their further continuance in custody is not justified in the face of release of almost all the co-accused persons.

6. Learned counsel for the State opposes the prayer for bail though on verification of record does not dispute the submission that P.W.1 and P.W.3, the informant and injured eye witness respectively have not supported the prosecution case.

7. Taking into account the release of the co-accused, as noted above, and that material witnesses have not supported the prosecution case, this Court directs the Petitioners to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS