

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9517 of 2022

***Santanu Giri @ Santanu
Kumar Giri***

....

Petitioner

Mr. A.K. Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Pattnaik, AGA

CORAM: JUSTICE V. NARASINGH

**ORDER
09.12.2022**

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. Case No.452 of 2022, pending in the file of learned S.D.J.M., Baripada, arising out of Baripada Town P.S. Case No.175 of 2022, for commission of alleged offences under Sections 341/323/324/354/506/307/302/34 of IPC and is in custody since 23.03.2022.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional District & Sessions Judge, Baripada by order dated 08.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 23.03.2022 and as charge sheet has already been filed on 19.07.2022 and taking into account the nature of allegation qua the petitioner, his further continuance in custody is not warranted.

5. Learned counsel for the State places the statement of Tapan Giri and the Statements of Kartika Giri and the 164 Cr.P.C. statement of Jhula Palei.

6. On going through the statements on record, this Court is of the prima facie view that the overt act is not attributed to the petitioner and it is also stated by the learned counsel for the petitioner that the weapon of offence was recovered at the instance of one Tapan Giri under Section 27 of the Evidence Act who is not the petitioner and the injuries on the deceased are prima facie attributed to said Tapan Giri and Sachin Palei who are not the petitioner before this Court.

7. Considering the general nature of allegations and the background in which the offence is stated to have been committed, this Court is persuaded to direct the release of the petitioner on such terms to be fixed by the learned Court in seisin.

8. While enlarging the petitioner on bail, the learned court below shall verify assertion regarding criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge