

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8626 of 2021

Suresh Ojha

....

Petitioner

Mr. S.K.Pattnaik
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss.S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.02.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. S.K.Pattnaik, learned counsel for the Petitioner and Miss.S.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 10th September, 2021 in connection with Nayapalli P.S. Case No.126/2020 corresponding to C.T. Case No.1216/2020 pending in the court of learned S.D.J.M., Bhubaneswar for the alleged commission of the offence under Sections 341/294/302/34 of I.P.C.

4. The prosecution allegation is that the Petitioner being associated with three other persons brutally assaulted 17 years old boy causing several bodily injuries which ultimately laid to his death. It is submitted that the Petitioner has not been named in the F.I.R. and only on the confessional statement made by some purported witnesses, he has been implicated in the case. It is further submitted that even in those statements, no specific overt has been attributed to the present Petitioner.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the statement of the witnesses referred to by learned counsel for the Petitioner not only refers to the name of the Petitioner but also clearly shows that he was part of the group, which assaulted the deceased.

6. Considering the submissions made, the materials on record, the period of detention already undergone and the fact that charge sheet has already been submitted in the case coupled with the fact that no specific overt act has been attributed in so far as the present Petitioner is concerned, I am inclined to allow the prayer for bail.

7. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear personally before the court below on each date of

posting of the case, failing which appropriate orders as may be deemed fit and proper shall be passed to take him to custody.

8. The BLAPL is disposed of.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB

(Sashikanta Mishra)
Judge

