

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9708 of 2022

Kalia @ Maheswar Naik

...

Petitioner

Mr. P.R. Singh, Advocate

-Versus -

State of Odisha

....

Opp.Party

Mr. S.K. Mishra, Addl. Standing
Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
27.10.2022

Order No.
01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 28.07.2021 in connection with Balimi P.S. Case No.90 of 2021 corresponding to C.T.(S) Case No.102 of 2021 pending in the Court of learned Addl. Sessions Judge, Dhenkanal for the alleged commission of offence under Sections 302/34 of IPC.
4. It is alleged that the petitioner and his brother severely assaulted the deceased by means of lathi and crowbar causing his death. His application for bail was earlier rejected by this Court vide order dated 04.05.2022 passed in BLAPL No. 1975 of 2022 granting him liberty to renew his prayer after examination of material witnesses. The present application has been filed as in the meantime some of the material witnesses including the informant and eye-witnesses have been examined. Copies of depositions have been enclosed to the bail application.

5. From a perusal of evidence of the informant as also the daughter of the deceased, it is evident that both of them have not supported the prosecution story. Thus, prima facie, there is no acceptable evidence to show the complicity of the petitioner in the alleged occurrence. The bail application is therefore, allowed. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

