

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9078 of 2021

Mahi @ Maheswar Nayak

....

Petitioner

Mr. N.K.Sethi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A.Pradhan,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.2.2022

I.A.No.1327 of 2021

Order No.

04.

1. This matter is taken up through hybrid mode.

2. Learned counsel for the petitioner does not wish to press this I.A.

3. Accordingly, the I.A. is dismissed as not pressed.

(Sashikanta Mishra)
Judge

BLAPL No. 9078 of 2021

O5.

1. This matter is taken up through hybrid mode.

2. Heard Mr. N.K.Sethi , learned counsel for the Petitioner and Mr. A.Pradhan, learned Addl. Standing Counsel for the State.

3. The Petitioner is in custody since 25th August, 2021 in connection with Athagarh P.S. Case No.178/2014 corresponding to C.T. Case No.354(A)/2014 pending in the court of learned SDJM, Athagarh, for the alleged commission of offence under Sections 396/120-B/307 of the IPC.

4. The prosecution allegation is that, in the night of 23rd August, 2014, some unknown persons allegedly committed murder of the one Arakhit Mohakhud and severely assaulted the driver of a truck, which was loaded with aluminum ingots.

5. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor in the preliminary charge sheet. His name was added in the second charge sheet, only on the basis of the so called extra-judicial confession of a co-accused. It is further submitted that the accused Gandu @ Pitambar Swain, who stands on similar footing has already been released on bail as per the order passed by this Court in BLAPL No. 3498 of 2021.

6. Learned Additional Standing Counsel on the other hand has opposed the prayer for bail by submitting that considering the heinous nature of crime, no leniency should be shown to the petitioner.

7. Having regard to the rival submissions made, the materials on record, the period of detention already undergone and the fact that the petitioner appears to have been implicated only on the basis of so called confessional statement of the co-

accused coupled with the fact that one co-accused has already been released on bail, I am inclined to allow the prayer for bail.

8. 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 before the trial court on each date of posting of the case failing which appropriate adverse orders may be passed as may be deemed fit and proper.

9. The BLAPL is disposed of.

10. Urgent certified copy of this order be granted on proper application.

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(Sashikanta Mishra)
Judge

