

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10211 of 2022

Basanta Pandab

....

Petitioner

Mr. N. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
07.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.742 of 2022, pending in the file of learned S.D.J.M., Sundargarh, arising out of Sundargarh P.S. Case No.168 of 2022, for commission of alleged offences under Sections 302/34 of IPC and Section 25 and 27 of the Arms Act which turned into Section 302/307 and 120-B of the IPC and is in custody since 02.05.2022.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sundargarh by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 02.05.2022 and charge sheet has been filed on 29.08.2022. It is submitted that since the implication of the Petitioner was on the basis of the co-accused statement, namely, Jitu @

Jasobanta Pandab who admittedly fired at the deceased, his further continuance in custody is unwarranted.

5. Learned counsel for the petitioner relies on the order passed by this Court by order dated 27.09.2022 in BLAPL No.9039 of 2022 relating to the co-accused Prasanta Pandav @ Jiten and submitted that as the petitioner is similarly circumstanced, he may be released on bail inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the Petitioner has four criminal antecedents and it is borne out from the record that the Petitioner has provided a pistol with which offence was committed in this case.

7. This Court perused the statement of the eye witness, namely, Kadhab Tazan from which it comes to fore that the overt act of firing at the deceased is attributed to one Jitu @ Jasobanta Pandab.

8. Taking note of the role ascribed to the Petitioner and non-conducting of T.I Parade vis-à-vis him and keeping in view the period of custody and filing of charge sheet, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. Additionally it is directed that the Petitioner shall appear before the I.O once every week till conclusion of the trial. Violation of the said condition shall entail cancellation of bail without reference to the Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi