

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10383 of 2022

Laxmidhar Behera

....

Petitioner

Mr. J.K. Majhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with C.T. Case No.672 of 2021, pending in the file of the learned SDJM, Balasore, arising out of Bamapada Industrial Area P.S. Case No.136 dtd. 28.08.2021, for alleged commission of offences under Sections 302/34 of IPC.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Balasore, by order dated 18.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that charge-sheet has been filed in the case at hand on 24.12.2021 keeping the investigation open under Section 173(8) of Cr.P.C. and the petitioner surrendered and was remanded to custody on 18.10.2022.

5. It is submitted by the learned counsel for the petitioner that the two witnesses to the occurrence Ajay Behera and Manoj Bhuyan have stated that the overt act is attributed to accused Sambhunath and Ranjan and it is submitted that the basis of implication is on account of the statement made by the co-accused Sambhunath, who has stated that the present petitioner along with one Durjay Kumar Das had taken the responsibility to provide funds to take care of post crime litigation expenses.

6. It is submitted that this Court by order dated 10.02.2022 in BLAPL No.9926 of 2021 have directed the said Durjay to be released on bail. Hence, further continuance of the petitioner in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that there are materials to show that the present petitioner hatched the conspiracy for killing Ramesh Behera. Hence, merely because the co-accused has been released, he ought not to be released on bail more so on account of his criminal antecedents inasmuch as he is accused of commission of offence under Section 302 of IPC.

8. It is seen that this Court while releasing Durjay Kumar Das had taken note of the fact that the co-accused Mana @ Manas Kumar Pradhan and others have been released on bail by this Court in BLAPL Nos.8836 & 8837 of 2021 and it is stated that one Chittaranjan Panda who has greater complicity has since been released on bail by this Court by order dated 11.05.2022 in BLAPL No.9235 of 2021.

9. Taking into account the release of the co-accused more particularly Durjay Kumar Das, who is more or less similarly

circumstanced with the petitioner, 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.

10. Keeping in view the criminal proclivity of the petitioner, it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule.

Ayesha



(V. NARASINGH)
Judge