

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9330 of 2021

Gobinda Behera

....

Petitioner

Mr. Ashok Das
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss.S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
06.01.2022.

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. Ashok Das, learned counsel for the Petitioner and Miss.S.Mishra, learned Addl. Standing Counsel for the State.
 3. The Petitioner is in custody since 25th May, 2019 in connection with Dharakote P.S. Case No.72/2019 corresponding to G.R. Case No.321/2019(S.T. Case No.86/2019) pending in the court of learned Addl. Sessions

Judge, Aska, Ganjam for the alleged commission of the offence under Section 302/34 of I.P.C.

4. It is alleged that the Petitioner being associated with several other persons committed murder of one Alekh Nahak, who is said to have had a love affair with the daughter of one of the accused namely, Judhistir Behera.

5. It is submitted by the learned counsel for the Petitioner that in the mean time all the co-accused persons, who stand on the similar footing, have been released on bail. Copies of such bail orders have been enclosed to the bail application as Annexure-3 series. It is further submitted that the girl, for whom the entire episode took place being examined as a witness in the court below has turned hostile. Copy of her deposition has been enclosed as Annexure-2 to the bail application.

6. Having regard to the above facts, the materials on record, the period of detention already undergone and the fact that similarly situated co-accused persons have already been released on bail, I find no justified reason to detain the Petitioner in custody any longer. The BLAPL is, therefore, allowed.

7. Let the Petitioner- Gobinda Behera 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 without fail.

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

AKB

(Sashikanta Mishra)
Judge

