

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10402 of 2022

***Minaketan Meher @
Minketan Meher***

***.... Petitioner
Mr. Devashis Panda, Advocate***

-Versus -

State of Odisha

***.... Opposite Party
Mr. P.Tripathy,
Additional Standing Counsel***

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
06.12.2022**

**Order No.
03.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner has been in custody since 11.08.2021 in connection with Khariar P.S. Case No. 271 of 2021 corresponding to S.T. Case No. 02 of 2022 (arising out of C.T. Case No. 257 of 2021) pending in the Court of learned District & Sessions Judge, Nuapada for the alleged commission of the offence under Sections-302/507/34 of I.P.C. and Sections-25 and 27 of the Arms Act. His application for bail earlier rejected by this Court as per the Order dated 14.03.2022 passed in BLAPL No. 1602 of 2022.
4. It is submitted that despite being in custody for more than one and half years, the trial has not yet been commenced more so, when there is no prima facie materials against the petitioner.
5. Mr. D. Panda, learned counsel for the petitioner submits that there is absolutely no material to show the complicity of the petitioner in the alleged occurrence. Perusal of the statement of Rajesh Jaipuria reveals that except for pointing out at a Dhaba and stating that the same belongs to his father-in-law, nothing else has

been attributed to the petitioner. The deceased is said to have been shot at by two unknown culprits. The said Rajesh Jaipuria was asked to identify two persons. It is surprising to note that he was asked to identify one Indrajeet Sandha, even though, he had already named him in his statement under Section-161 Cr.P.C. In so far as the other person whom he had identified namely, Subrat Kalet @ Chhatan, the same does not ipsofacto, implicate the petitioner in the alleged occurrence.

6. Learned counsel for the State has opposed the prayer for bail by submitting that because of a family dispute, the petitioner hired two contract killers to do away with the life of his mother-in-law (deceased).

7. In the absence of any material whatsoever to show the involvement of the petitioner of his being engaged in any conspiracy, it is difficult, prima facie, to accept the prosecution case.

8. Considering the above, as also the fact that the petitioner has been in custody for one and half years, I am inclined to take a lenient view in the matter. Let the petitioner be released on bail on such terms and conditions as the convicting Court may deem fit and proper to impose.

9. Accordingly, the BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge

Balaram