

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10579 of 2022

Sada @ Sadananda Pradhan

Petitioner

Mr. Ashok Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and the learned counsel for the State.
3. The Petitioner is an accused in G.R. Case No.264 of 2022 pending on the file of learned J.M.F.C., Digapahandi, arising out of Digapahandi P.S. Case No.197 of 2022, for commission of offence under Section 395 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Berhampur by order dated 17.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 20.09.2022 and the charge sheet has already been filed, which is on record, on 06.10.2022. He further submits that the basis of implication of the Petitioner is on

account of the statement of the co-accused Kuna Pradhan, who has been identified in the T.I Parade and it is also submitted that though a knife is stated to have been recovered at the instance of the Petitioner under Section 27 of the Evidence Act, the same has not been put in the T.I Parade. In the absence of any cogent material to connect the Petitioner with the alleged crime, save and except the implication of the Petitioner on the basis of the co-accused statement, his further continuance in custody is not warranted

6. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that as the amount involved is yet to be recovered, releasing the Petitioner at this stage would affect the ongoing investigation.

7. Considering the basis of implication and the Petitioner has no criminal proclivity, as stated by the learned counsel for 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.

8. While enlarging the Petitioner on bail, learned court below shall verify such assertion. If it comes to the fore that the Petitioner has any criminal antecedent, this order shall stands recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS