

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9556 of 2021

Sambhunath Kanhar

....

Petitioner

Mr. A.R. Panda, Advocate

-Versus -

State of Odisha

....

Opposite Party

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

12.08.2022

Order No.

4.

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 is in custody since 01.04.2021 in connection with Gochhapada P.S. Case No. 27 of 2021 corresponding to C.T. Case No. 164 of 2021 pending in the court of learned S.D.J.M., Phulbani for the alleged commission of offence under Sections 147/148/302/201/149 of IPC.
4. The prosecution case is that the petitioner and two other persons severely assaulted the deceased causing his death. This incident was preceded by another incident in which the deceased, who is the son of the informant and two other persons made a plan to commit dacoity and also took two minor girls from the family of the petitioner and committed gang rape on them. After coming to know about such incident, the petitioner and the co-accused persons became enraged and assaulted the deceased and his accomplices

due to which the deceased died. In so far as the petitioner is concerned except for his confessional statement and the disclosure statement there is no other material to show his complicity in the alleged occurrence. The fact that the deceased and other persons and his accomplices had committed gang rape finds support from the statement of one of the victim recorded under Section 164 of Cr.P.C.

5. Taking into consideration all the above facts as also the period of detention of the petitioner in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

6. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge