

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9671 of 2021

Deepa @ Dipa Kinnar @ Dipak Mohanty **Petitioner**

Mr. A. Mishra, Advocate

- Versus -

State of Odisha **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.04.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 13.09.2021 in connection with Panikoili P.S. Case No.238 of 2021 corresponding to C.T. Case No.1047 of 2021 pending in the Court of learned J.M.F.C., Jajpur Road for the alleged commission of offence under Section 302 of IPC.
4. An FIR was lodged alleging that some unknown persons had committed the murder of the deceased persons by means of sharp cutting weapons and by a stone. In so far as the present petitioner is concerned, his complicity came to light only on the basis of his so called confession before the police, which is not admissible evidence. Except for the statement under Section 27 of the Indian Evidence Act, there is no other acceptable evidence to show prima facie involvement of the petitioner in the occurrence.
5. In such view of the matter, and taking into account the period

of detention in custody, as also the fact that charge sheet has already been submitted, 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. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

