

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10064 of 2021

Dinabandhu Khatua

....

Petitioner

Mr. P.K.Samantray
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.01.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. P.K.Samantray , learned counsel for the Petitioner and Miss S. Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 27th October, 2020 in connection with Banki P.S. Case No.283/2020 corresponding to G.R. Case No.395/2020 pending in the court of learned S.D.J.M., Banki now pending in the court of learned Sessions Judge, Cuttack in S.T. Case No.129 of 2021 for the alleged

commission of the offence under Sections 147/148/341/338/427/302/149/120-B of I.P.C, Section 27 of the Arms Act and Sections 3 and 4 of E.S. Act.

4. It is submitted that the Petitioner has not been named in the F.I.R. and has been implicated in the case on the basis of statement of some witnesses examined during investigation. It is further submitted that out of 14 accused persons, 9 have already been released on bail and the present Petitioner stands on a better footing than the co-accused persons inasmuch as no specific overt acts have been attributed to him. Copies of some bail orders passed by this Court in respect of different co-accused persons have been annexed to the application as Annexure-3 series.

5. Learned Addl. Standing Counsel fairly submits that the co-accused persons have been released on bail as submitted by the learned counsel for the Petitioner. It is further submitted that there are materials on record to show the complicity of the Petitioner.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that the co-accused persons against whom there are specific allegations have already been released on bail, I find no justified reason to treat the Petitioner differently. The BLAPL is, therefore, allowed.

7. Let the Petitioner- Dinabandhu Khatua 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. The BLAPL is disposed of.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB

(Sashikanta Mishra)
Judge