

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11135 OF 2019

Nilam Nayak

..... *Petitioner*
Mr. J.K. Panda, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. D. Mund, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
29.04.2022

Order No.
05.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is accused in connection with G.R. Case No. 40 of 2019 corresponding to Mathili P.S. Case No. 40 of 2019, pending on the file of the learned S.D.J.M., Malkangiri for the alleged commission of offence under Sections-302 of the IPC and is in custody since 23.01.2019.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Malkangiri by Order dtd. 17.12.2019 in B.A. No. 262 of 2019, the present BLAPL has been filed.
4. Heard Mr. J.K.Panda, learned counsel for the petitioner and Mr.D. Mund, learned Additional Government Advocate for the State.

5. Perused the Deposition of the Prosecution Witnesses. It is stated that, in the meanwhile 14 Prosecution Witnesses have been examined and all the witnesses have not supported the prosecution including P.W.1 the son of the deceased and brother of the accused stated to be an eye witness.

6. Taking note to the tenor of the prosecution witnesses, it is directed that the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter to ensure his presence on each date of trial.

7. The copies of the deposition of P.W.1 to P.W.14 be kept on record.

8. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*