

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11444 of 2021

Sunadhar Khillo

....

Petitioner

Mr. T.K.Mishra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
28.01.2022.

Order No.

01.

1. This matter is taken up through virtual mode.

2. Heard Mr. T.K.Mishra, learned counsel for the Petitioner and Mr. P. Tripathy, learned Addl. Standing Counsel for the State.

3. The Petitioner is in custody since 22nd August, 2021 in connection with Bopariguda P.S. Case No.79/2009 corresponding to C.T. Case No.35/2021 pending in the court of learned Addl. Sessions Judge, Jeypore for the alleged

commission of the offence under Sections 147/148/323/326/302/201/149 of I.P.C.

4. The allegation is that on 19th October, 2009, three persons being armed with deadly weapons and being associated with more than 100 persons committed murder of one Indra Harijan and also assaulted one Rooty Harijan causing bodily injuries. It is submitted by the Petitioner that he has not been named in the F.I.R. and there is no material to show his complicity in the occurrence.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the Petitioner had absconded for a long period and hence, he should not be shown any leniency.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that the Petitioner is neither named in the F.I.R. nor any specific overt act has been attributed to him, I am inclined to allow the prayer for bail.

7. Let the Petitioner 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 court in seisin over the matter on each date of posting of the case, failing which appropriate adverse orders may be passed by the court below as deem fit and proper.

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

