

**(2021) 09 OHC CK 0051**

**In the Orissa High Court**

**Case No : Bail Application No. 3578 Of 2021**

Milu @ Umakanta Swain

APPELLANT

Vs

State Of Odisha

RESPONDENT

**Date of Decision : 13-09-2021**

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 439  
Indian Penal Code, 1860 — Section 120B, 395

**Citation : (2021) 09 OHC CK 0051**

**Hon'ble Judges : S.K. Sahoo, J**

**Bench : Single Bench**

**Advocate : S.S. Pradhan, D.K. Sahoo**

**Final Decision : Disposed Of**

## **Judgement**

S.K. Sahoo, J

This matter is taken up through Hybrid Arrangement (Video Conferencing/ Physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Marsaghai P.S. Case No.176 of 2021 corresponding to G.R. Case No.828 of 2021 pending in the file of learned S.D.J.M., Kendrapara for alleged commission of offences under sections 395/120-B of the Indian Penal Code.

The prayer for bail of the petitioner was rejected by the learned Sessions Judge, Kendrapara vide order dated 23.04.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 02.04.2021 and the first information report was lodged by one Biswajit Behuria on 01.04.2021 before the Inspector in-charge of Marshaghai police station against unknown persons for which a case under section 394 of the Indian Penal Code was registered but subsequently the case turned to one under

section 395 of the Indian Penal Code and the petitioner has been placed in the test identification parade but he was not identified and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State has produced the case diary and while not disputing that the petitioner has not been identified in the test identification parade stated that the Investigating Officer has seized the photo identity card, ATM card and other articles from the petitioner and the petitioner is having no criminal antecedents.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, in absence of any criminal antecedents against the petitioner and the petitioner has not been identified in the test identification parade and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail. Let the petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent copy of this order as per Rules.

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