

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.311 of 2022

Mansing Marandi and others

.... ***Petitioners***
Mr. S.K. Baral, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. K.K. Nayak, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.02.2022

Order No.

01.

1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel for the parties. Perused the F.I.R., Case Diary and also confessional statement under Section 27 of the Evidence Act.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioners are accused in C.T. Case No.1548 of 2021 corresponding to Bangiriposi P.S. Case No.143 of 2021 pending in the court of learned S.D.J.M., Sadar, Baripada for commission of offence punishable under Sections 302/201/34, I.P.C. read with Section 4 of OPWH Act.
5. It is submitted by learned counsel for the Petitioners that the main accused, namely, Pitha Charan Murmu had made extra judicial confession before the village meeting that he had killed the deceased as the deceased was practicing witchcraft in the village and with the help of Dipu Hansda and Mohan Marandi along with the present Petitioners, the dead body of the deceased was thrown. So far as the present Petitioners are concerned and they are implicated in the alleged crime for commission of offence under Section 201, I.P.C.
6. It is further submitted by learned counsel for the Petitioners that

on the confessional statement of the main accused, the Petitioners have been implicated in this case and they are in custody since 01.08. 2021.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioners.

8. Having heard learned counsel for the parties and considering the role of the present Petitioners in the alleged crime and period of detention of the Petitioners as well as nature of offence committed by the present Petitioners, it is directed that let the Petitioners be released on bail by furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) each with two local solvent sureties each for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioners shall not get involved in any offence of similar nature while they are on bail, they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall appear in court during trial on each and every date without fail. Violation of any of the terms and conditions shall entail cancellation of bail granted hereby. It is open for the court in seisin over the matter to impose any conditions as may deem just and proper.

9. The Bail Application is accordingly allowed.

10. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out 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 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

