

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.511 OF 2022

Birajini Karada & Others

.... ***Petitioners***
Mr. D.J. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. R. Tripathy, AGA.

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
02.02.2022**

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioners being in custody in connection with Gudari P.S. Case No. 16 of 2021 corresponding to C.T. Case No.23 of 2021 on the file of learned Additional Sessions Judge, Gunupur running for commission of offence under section 120-B/302 of the IPC read with section 25/27 of the Arms Act, have filed this application under section 439 of the Cr.P.C. for their release on bail in the above mentioned case.
3. Learned Counsel for the Petitioners submits that there is no direct evidence to connect these Petitioners with the alleged incident and when the prosecution says that these Petitioners with other accused persons having hatched the conspiracy have murdered the deceased Kiran Kumar Ganta @ Takir; the person who is said to have shot at the deceased has already been released on bail. He further submits that accused persons similarly situated with these petitioners being arraigned in the case as conspirators are also on bail by orders passed by this

Court in BLAPL Nos.4327 of 2021 and 4123 of 2021. In view of all these above, he urges for grant of bail to these petitioners as, according to him, their further detention in custody till conclusion of the trial would not serve any useful purpose.

4. Learned Counsel for the State opposes the move. He, however, does not dispute the factum of grant of bail to the co-accused persons including the accused projected by the prosecution to be the shooter.

4. Taking into account the submissions made; further keeping in view the materials on records with other surrounding circumstances as also the period of detention of the Petitioner in custody and on going through the order passed by the learned Addl. Sessions Judge; in the absence of any such impediment; it is directed that the Petitioners be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that:-

1. they will not indulge themselves in any criminal activity;
2. will not threaten or terrorize the prosecution witnesses in any manner; and
3. will appear before the Court in seisin of the case on each date of posting of the case without fail.

5. The BLAPL is accordingly disposed of.

6. 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 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

**(D.Dash),
Judge.**

Himansu

