

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 54 of 2022

Santosh Das

.... **Appellant**

Mr. S.R. Mulia, Advocate

- Versus -

State of Odisha

.... **Respondent**

Mr. J. Tripathy, Addl. Standing Counsel

Mr. P.K. Nayak, Advocate (For R-2)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.12.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.R. Mulia, learned counsel for the appellant and Mr. P.K. Nayak, learned Addl. Standing Counsel for the State.
3. The appellant is in custody since 09.12.2020 in connection with Jenapur P.S. Case No.407 of 2020 corresponding to C.T. (Special) Case No. 121 of 2020 pending in the Court of learned Sessions Judge, Jajpur for the alleged commission of offence under Sections 302/201/34 of IPC read with Section 3(1)(r)/3(2)(v)/3(2)(va) of SC & ST(POA) Act.
4. It is alleged that the appellant, acting on previous grudge, committed the murder of Jaladhar Jena causing his death. It is further alleged that the appellant and another person came in a Bullet motorcycle and severely assaulted the deceased by means of a *thenga*, fist and kick blows causing his death. It is submitted that trial has already begun in the meantime and two the eye-witnesses relied upon by the prosecution have turned hostile. Copies of the depositions of the Sanatan Palei (P.W.-1) and Ranjulata Bai (P.W.-2) have been furnished by learned counsel for the appellant. It is seen that both of them have not supported the prosecution case.

Learned State Counsel also fairly submits that both the persons are the only eye-witnesses to the occurrence.

5. Taking into consideration of all the above facts, I am inclined to allow the prayer for bail. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:

(i) He shall appear before the IIC of Jenapur Police Station on every Sunday at 10 a.m. for a period of six months and such fact shall be certified by the IIC to the concerned court in every month.

(ii) He shall personally appear before the trial court on each date of posting of the case and in case of even a single default necessary order shall be passed by the Court below to take him to custody again.

(iii) He shall not approach, threaten, coerce or influence any of the prosecution witnesses.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana