

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1228 of 2022

Gobardhan Naik

....

Petitioner

Mr. A. Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
01.11.2022**

Order No.

07. 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 under section 439 of Cr.P.C. in connection with S.T. Case No.20 of 2021 arising out of Kundheigola P.S. Case No.55 of 2021 pending in the Court of learned Sessions Judge, Deogarh for offences punishable under sections 143/147/148/302/506/149 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Deogarh, which was rejected on 19.01.2022.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 29.03.2021 and his earlier bail application in BLAPL No.5035 of 2021 was rejected as per order dated 22.12.2021, however the petitioner was given liberty to renew the prayer for bail after examination of the eye witnesses in the trial Court. Learned counsel further submitted that in pursuance of the direction of this Court, four eye witnesses to the occurrence have already been examined in the trial Court as P.Ws.1 to 4, out of them P.W.1, P.W.2 and P.W.4, namely, Basanti Mukhi, Purna Mukhi and Mohan Mukhi respectively have not supported the prosecution case. However P.W.3 Bharati Naik not only supported the prosecution case but stated that it is the petitioner, who dealt kick blows on the chest of the deceased during the occurrence and, inter alia, one Kalandi Naik dealt repeated axe blow from the blunt side of the axe to the deceased Krusikesh Naik and the said Kalandi Naik has already been released on bail by this Court in BLAPL No.208 of 2022 as per order dated 20.10.2022. Learned counsel files the copy of the bail order so also the deposition copies of the eye witnesses, which are taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of

accusation against the petitioner, the nature of evidence adduced during the trial so far, the period of detention of the petitioner in judicial custody and release of the co-accused on bail and in view of the change in the circumstances after the rejection of the earlier bail application, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to condition that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge